



भारत का राजपत्र

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इस भाग में पिन पृष्ठ संख्या दी जाती है जिससे कि यह पुस्तक संकलन के रूप में रखा जा सके।
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 27 सितम्बर, 2011

का.आ. 2742.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह विभाग, रांची की अधिसूचना सं. 6/सीबीआई-709/2011-3313 दिनांक 20 अगस्त, 2011 द्वारा प्राप्त सहमति से झारखंड में राजीव गांधी ग्रामीण विद्युतीकरण योजना के अन्तर्गत झारखंड राज्य विद्युत बोर्ड के कार्मिकों द्वारा मैसर्स आईवीआरसीएल के कार्मिकों के साथ मिलकर कथित अनियमिताओं एवं भ्रष्टाचार के संबंध में भारतीय दंड संहिता, 1860 (1860 का अधिनियम सं. 25) की धारा 409, 420, 423, 467, 468, 471, 120-बी और 34 तथा भ्रष्टाचार निरोधक अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13 (2) तथा 13 (1)बी के अधीन पुलिस स्टेशन, सतर्कता में दिनांक 30-8-2010 को दर्ज मामला

सं. 38/2010 का तथा उपर्युक्त उल्लिखित अपराध के संबंध में या उससे संबद्ध प्रयास, दुष्प्रेरण तथा घट्टवांश तथा उसी संबंधहार के क्रम में या उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार सम्मूर्ण झारखंड राज्य के सम्बन्ध में करती है।

[फा. सं. 228/59/2011-एवीडी-II]

राजीव जैन, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 27th September, 2011

S.O. 2742.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State

Government of Jharkhand, Home Department, Ranchi, vide Notification No. 6/CBI-709/2011-3313 dated 20-8-2011, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Jharkhand for investigation of Case No.38/2010 dated 30-8-2010 under Sections 409, 420, 423, 467, 468, 471, 120-B and 34 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Sections 13(2) and 13(1) (d) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) registered at Police Station, Vigilance relating to alleged irregularities and corruption by the officials of Jharkhand State Electricity Board and others in connivance with officials of M/s. IVRCL under Rajiv Gandhi Gramin Vidhyutikaran Yojana in Jharkhand and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/59/2011-AVD-II]

RAJIV JAIN, Under Secy.

नई दिल्ली, 29 सितम्बर, 2011

का.आ. 2743.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान राज्य सरकार, गृह विभाग, जयपुर की अधिसूचना सं.एफ. 19(12)/गृह-5/2011 दिनांक 6 सितम्बर, 2011 द्वारा प्राप्त सहमति से श्रीमती भंवरी देवी, धर्मपत्नी श्री अमर चंद के कथित अपहरण के संबंध में पुलिस स्टेशन, बिलाडा, जोधपुर की धारा 365/120-बी भा. द. सं. के अंतर्गत प्राथमिकी सं. 383 दिनांक 05-09-2011 के संबंध में अन्वेषण करने तथा प्रयास करने, दुष्करणों और घटयंत्रों तथा उसी संब्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध या अपराधों का अन्वेषण करने के संबंध में दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण राजस्थान राज्य पर करती है।

[फा. सं. 228/64/2011-एवीडी-II]

राजीव जैन, अवर सचिव

New Delhi, the 29th September, 2011

S.O. 2743.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Rajasthan, Home Department, (Group V) Jaipur, vide Notification No. F-19(12) Home 5/2011 dated 15th September, 2011 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Rajasthan for investigation of Case No.383 dated 5-9-2011 under Sections 120-B and 365 of the Indian Penal Code 1860 (Act No. 45 of

1860) registered at Police Station Bilada, District Jodhpur (Rajasthan) and attempt, abetment and conspiracy in relation to or in connection with the above mentioned offence and any other offence or offences committed in course of the same transaction or arising out of the same facts.

[F. No. 228/64/2011-AVD-II]

RAJIV JAIN, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 27 सितम्बर, 2011

का.आ. 2744.—वित्तीय आस्ति प्रतिभूतिकरण और पुनर्गठन तथा प्रतिभूति हित का प्रवर्तन अधिनियम, 2002 की धारा 21 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री आर. बी. वर्मा, अध्यक्ष एवं प्रबंध निदेशक, राष्ट्रीय आवास बैंक (एनएचबी), को पंजीयक और प्रबंध निदेशक एवं मुख्य कार्यपालक अधिकारी (केन्द्रीय पंजीयक), भारतीय प्रतिभूतिकरण, आस्ति पुनर्गठन और प्रतिभूति हित केन्द्रीय रजिस्ट्री (सीईआरएसएआई) के रूप में नियुक्त करती है।

2. श्री आर. बी. वर्मा दिनांक 01-07-2011 से दिनांक 31-12-2011 तक की अवधि के लिए अथवा अगले आदेशों तक जो भी पहले हो, अध्यक्ष एवं प्रबंध निदेशक, राष्ट्रीय आवास बैंक (एनएचबी) के रूप में कर्तव्यों के अलावा केन्द्रीय पंजीयक का प्रभार भी संभालेंगे।

[फा. सं. 56/5/2007-बीओ-II]

डी. डी. माहेश्वरी, अवर सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 27th September, 2011

S.O. 2744.—In exercise of the powers conferred by sub-section (i) of Section 21 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Central Government hereby appoints Shri R.V. Verma, Chairman and Managing Director, National Housing Bank (NHB), as the Registrar and Managing Director and Chief Executive Officer (Central Registrar), Central Registry of Securitisation Asset Reconstruction and Security Interest of India (CERSAI).

2. Shri R.V. Verma shall hold the charge of Central Registrar in addition to his duties as Chairman and Managing Director, National Housing Bank (NHB) for a period with effect from 01-07-2011 till 31-12-2011 or until further orders, whichever is earlier.

[F. No. 56/5/2007-BO-II]

D. D. MAHESHWARI, Under Secy.

नई दिल्ली, 27 सितम्बर, 2011

TABLE

का. आ. 2745.—सरकारी स्थान (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) की 18-6-2007 की अधीसचना संख्या 13/2/2005 -बीओ-II का अधिक्रमण करते हुए, केन्द्रीय सरकार, एतद्वारा निम्नलिखित सारणी के कालम (2) में उल्लिखित उन अधिकारियों को नियुक्त करती है जो सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी हों और उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी (एस्टेट आफिसर) होंगे। ये अधिकारी उक्त अधिनियम के अंतर्गत प्रदत्त शक्तियों का प्रयोग करेंगे और उपर्युक्त अधिनियम की धारा 2 और इसकी उपधाराओं के तहत यथा परिभाषित सरकारी स्थान के संबंध में सम्पदा अधिकारियों को सौंपे गए कार्य करेंगे।

सारणी

क्रम	अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और अधिकारिता की स्थानीय सीमाएं
1.	2.	3.
1.	श्री ई. राजशेखर, सहायक प्रबंधक, देना बैंक, प्रधान कार्यालय, मुम्बई।	सरकारी स्थान (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 की धारा 2 और उसकी उपधाराओं के तहत यथा परिभाषित और देना बैंक, जिसका कारपोरेट कार्यालय मुम्बई में है, द्वारा उसके स्वामित्व में/उससे संबंधित और अथवा उसके प्रशासनिक नियंत्रण के तहत भारत में कहीं भी स्थित भवन के संबंध में समय-समय पर यथा संशोधित।

[फा. सं. 65(2)/2007-बीओ-II]

डॉ. डी. माहेश्वरी, अवर सचिव

New Delhi, the 27th September, 2011

S.O. 2745.—In exercise of the powers conferred by Section 3 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division) No. 13/02/2005-BO-II dated 18-06-2007, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being officers equivalent to the rank of a Gazetted Officer of Government to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act, in respect of the public premises as defined under Section 2 and sub-sections thereto of the aforesaid Act.

Sl. No. of the officer	Designation	Categories of Public Premises And Local Limits of Jurisdiction
1	2	3
1.	Shri E. Rajsekhar, Asstt. General Manager, Dena Bank, Head Office, Mumbai	sub-sections thereto of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and as amended from time to time in respect of premises situated anywhere in India owned by/ belonging to and/or under the administrative control of the Dena Bank having Corporate Office at Mumbai.

[F. No. 65(2)/2007-BO-II]

D. D. MAHESHWARI, Under Secy.

नई दिल्ली, 27 सितम्बर, 2011

का. आ. 2746.—सरकारी स्थान (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार, वित्त मंत्रालय, वित्तीय सेवाएं विभाग की दिनांक 16-12-2010 की अधीसचना संख्या 65(2)/2007-बीओ-II का अधिक्रमण करते हुए, केन्द्रीय सरकार, एतद्वारा निम्नलिखित सारणी के कालम (2) में उल्लिखित उन अधिकारियों को नियुक्त करती है जो सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी हों और उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी (एस्टेट आफिसर) होंगे। ये अधिकारी उक्त अधिनियम के अंतर्गत प्रदत्त शक्तियों का प्रयोग करेंगे उपर्युक्त अधिनियम की धारा 2 और इसकी उपधाराओं के तहत यथा परिभाषित सरकारी स्थान के संबंध में सम्पदा अधिकारियों को सौंपे गए कार्य करेंगे।

सारणी

क्रम सं.	अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और अधिकारिता की स्थानीय सीमाएं
1	2	3
1.	मुख्य प्रबंधक (विधि), यूको बैंक, प्रधान कार्यालय, 10, बीटीएम सरणी, कोलकाता-700001	सरकारी स्थान (अनाधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 की धारा 2 और उसकी उपधाराओं के तहत यथा परिभाषित और यूको बैंक, जिसका कारपोरेट कार्यालय कोलकाता में है, द्वारा उसके स्वामित्व में/उससे संबंधित और अथवा उसके प्रशासनिक नियंत्रण के तहत परिषद बांग्ल में स्थित भवन के संबंध में समय-समय पर यथा संशोधित।

[फा. सं. 65(2)/2007-बीओ-II]

डॉ. डी. माहेश्वरी, अवर सचिव

New Delhi, the 27th September, 2011

S.O. 2746.—In exercise of the powers conferred by Section 3 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the Notification of the Government of India in the Ministry of Finance, Department of Financial Services No. 65(2)/2007-BO-II dated 16-12-2010, the Central Government hereby appoints the officers mentioned in column (2) of the Table below, being officers equivalent to the rank of a Gazetted Officer of Government to be Estate Officers for the purpose of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officer by or under the said Act, in respect of the public premises as defined under Section 2 and sub-sections thereto of the aforesaid Act.

TABLE

Sl. Designation of Categories of Public Premises
No. the officer And Local Limits of Jurisdiction

1	2	3
1.	Chief Manager (Law), UCO Bank, Head Office 10, B. T. M. Sarani Kolkata-700001.	As defined under Section 2 and sub-sections thereto of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 and as amended from time to time in respect of premises situated in the West Bengal owned by/belonging to and/or under the administrative control of the UCO Bank having Corporate Office at Kolkata.

[F. No. 65(2)/2007-BO-II]

D. D. MAHESHWARI, Under Secy.

नई दिल्ली, 30 सितम्बर, 2011

का.आ. 2747.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपचार) स्कीम, 1970/1980 के खंड 3 के उप-खण्ड (1) और खण्ड 8 के उप-खण्ड (1) के साथ घटित, बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, इंडियन ऑफरसेज बैंक के महाप्रबंधक श्री एस. चन्द्रशेखरन (जन्म सितंबर 23-6-1954) की 65,000—78,000 रुपए के वेतनमान में दिनांक 1-10-2011 की अथवा इसके पश्चात् उनके पदभार ग्रहण करने की तारीख से 30-6-2014 तक अर्थात् उनकी अधिवर्षिता की तारीख तक अथवा अगले आदेशों तक, इनमें से जो भी पहले, यूको बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 4/5/2010-बीओ-I]

श्रेया गुहा, निदेशक

New Delhi, the 30th September, 2011

S.O. 2747.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. Chandrasekharan (DoB: 23-6-1954), General Manager, Indian Overseas Bank as Executive Director, UCO Bank, in the pay scale of Rs. 65,000—78,000, with effect from the date of his taking over charge of the post on or after 1-10-2011 till 30-6-2014, i.e., the date of his superannuation or until further orders, whichever is earlier.

[F. No. 4/5/2010-BO-I]

SREYA GUHA, Director

(राजस्व विभाग)

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 30 सितम्बर, 2011

का.आ. 2748.—सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केन्द्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड़ के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उप-धारा (1) के खंड (ii) के प्रयोजनार्थ करने वाले वर्ष 2010-2011 से आगे वैज्ञानिक एवं औद्योगिक अनुसंधान परिषद् (सीएसआईआर), नई दिल्ली को निम्नलिखित शर्तों के अधीन आंशिक रूप से अनुसंधान कार्यकलापों में लगे 'अन्य संस्था' की श्रेणी में अनुमोदित किया गया है, अर्थात् :-

- अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग खाता बही रखेगा जिसमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से ऐसी खाता-बही की लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उप-धारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;

(iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अलग लेखा बही नहीं रखेगा; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत नहीं करेगा; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत नहीं करेगा; अथवा
- (घ) अपना अनुसंधान कार्य करना बंद कर देगा अथवा इसके अनुसंधान कार्य को जायज नहीं पाया जाएगा; अथवा
- (ङ) उक्त नियमावली के नियम 5ग और 5ड के साथ परित उक्त अधिनियम की धारा 35 की उप-धारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[अधिसूचना सं. 53/2011/फा.सं. 203/73/2010-आ.क.नि.-II]

अजय गोयल, निदेशक (आ.क.नि.-II)

(Department of Revenue)

(Central Board of Direct Taxes)

New Delhi, the 30th September, 2011

S.O. 2748.—It is hereby notified for general information that the organization Council of Scientific and Industrial Research (CSIR), New Delhi has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), from Assessment Year 2010-2011 and onwards in the category of 'Other Institution', partly engaged in research activities subject to the following conditions, namely:

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain separate books of accounts in respect of the sums received by it for scientific research,

reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of Section 288 of the said Act furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of Section 139 of the said Act;

(iv) The approved organization shall maintain a separate statement of donations received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization :

- (a) fails to maintain separate books of accounts referred to in sub-paragraph (iii) of paragraph 1; or
- (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
- (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
- (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
- (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of Section 35 of the said Act read with rules 5C and 5E of the said Rules.

[Notification No. 53/2011/F.No.203/73/2010/ITA-II]

AJAY GOYAL, Director (ITA-II)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

नई दिल्ली, 20 मई, 2011

का.आ. 2749.—केंद्र सरकार दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उप धारा (2) प्रदत्त द्वारा शक्तियों का प्रयोग करते हुए भारतीय दंत चिकित्सा परिषद् से परामर्श करके, उक्त अधिनियम की अनुसूची के भाग I में निम्नलिखित संशोधन करती है नामतः

2. महाराष्ट्र स्वास्थ्य विश्वविद्यालय, नासिक द्वारा प्रदान की गई दंत चिकित्सा डिग्रियों को मान्यता प्रदान करने के संबंध में दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग—I में वीएसपीएम दंत चिकित्सा कॉलेज तथा अनुसंधान केंद्र, नागपुर के

बारे में क्रम सं. 60 के XXII के सामने कॉलम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित अन्तःस्थापित किया जाएगा:

“IV ओरल पैथोलोजी एंड माइक्रोबायोलॉजी एमडीएस (ओरल पैथ.) महाराष्ट्र स्वास्थ्य (यदि दिनांक 3-7-2010 को या उसके विज्ञान विश्वविद्यालय, नासिक” पश्चात् प्रदान की गई हो।)

[फा. सं. वी. 12017/72/2005-डीई]

अनीता त्रिपाठी, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 20th May, 2011

S.O. 2749.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against XXII of Serial No. 60, in respect of VSPM's Dental College & Research Centre, Nagpur, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder:—

“IV Oral Pathology and Microbiology (if granted on or after 3-07-2010)	MDS (Oral Path.) Maharashtra University of Health Sciences, Nashik”
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[F. No. V. 12017/72/2005-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 12 जुलाई, 2011

का.आ. 2750.—केन्द्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत-चिकित्सा परिषद् से परामर्श करने के बाद उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामतः—

2. महाराष्ट्र स्वास्थ्य विज्ञान विश्वविद्यालय, नासिक द्वारा प्रदान की गई दंत-चिकित्सा डिग्रीयों को मान्यता प्रदान करने के संबंध में दंत-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी :—

“XXVI. महाराष्ट्र दंत-चिकित्सा विज्ञान और

अनुसंधान संस्थान, लाटूर, महाराष्ट्र

दंत शल्यचिकित्सा में स्नातक

(यदि यह शैक्षणिक वर्ष 2010-11 के दौरान महाविद्यालय द्वारा बीडीएस पाठ्यक्रमों में प्रवेश दिए गए छात्रों को छोड़कर दिनांक 29-6-2010 को या उसके बाद प्रदान की गई हो।)

महाराष्ट्र दंत-चिकित्सा विज्ञान और अनुसंधान संस्थान, नासिक”

[फा. सं. वी. 12017/4/2006-डीई]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 12th July, 2011

S.O. 2750.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 60, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder:—

“XXVI. Maharashtra Institute of Dental Sciences & Research, Latur, Maharashtra

Bachelor of Dental Surgery	BDS, Maharashtra University of Health Sciences, Nashik". (if granted on or after 29-06-2010 except for the students admitted in BDS course by the college during the academic year 2010-11)
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[F. No. V. 12017/4/2006-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 15 जुलाई, 2011

का.आ. 2751.—केन्द्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय दंत चिकित्सा परिषद् से परामर्श करने के बाद उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, नामतः:

2. उत्कल विश्वविद्यालय, भुवनेश्वर द्वारा प्रदान की गई दंत-चिकित्सा डिग्रियों को मान्यता प्रदान करने के संबंध में दंत-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 36 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियाँ अंतःस्थापित की जाएंगी :—

“IV. गांधी दंत-चिकित्सा

महाविद्यालय, भुवनेश्वर

दंत शल्यचिकित्सा में स्नातक बीडीएस उत्कल, विश्वविद्यालय”

(यदि यह केवल शैक्षणिक सत्र 2005-06 एवं 2006-2007 के दौरान प्रवेश दिए गए छात्रों को एक बारी उपाय के रूप में प्रदान की गई हो, इसे पूर्वोदाहरण के रूप में उद्घृत न किया जाए।)

[फा. सं. वी. 12017/52/2003-डीई]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 15th July, 2011

S.O. 2751.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 36, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Utkal University, Bhubaneswar, the following entries shall be inserted thereunder:—

**“IV. Gandhi Dental College,
Bhubaneswar,**

(i) Bachelor of Dental Surgery BDS, Utkal University
(if granted to the students
admitted during the academic
sessions 2005-06 & 2006-07
only as an one time measure,
not to be quoted as precedent)

[F.No. V. 12017/52/2003-DE]

ANITA TRIPATHI, Under Secy.

नई दिल्ली, 28 जुलाई, 2011

का.आ. 2752.—केन्द्रीय सरकार, दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सोहम मयंककुमार व्यास तथा अन्य बनाम भारत संघ और अन्य तथा मौरस दंत-चिकित्सा कालेज, अस्पताल तथा ओरेल रिसर्च इंस्टिट्यूट एवं एनआर बनाम भारत संघ और अन्य के मामले में क्रमशः वर्ष 2010 के डब्ल्यूपी (सी), 172 तथा वर्ष 2010 की 202 पर उच्चतम न्यायालय के निर्णय के अनुसरण में और कॉलेज-प्राधिकारियों के अनुरोध/वचनबद्धता के संदर्भ में उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है नामत:—

2. भावनगर विश्वविद्यालय, गुजरात द्वारा प्रदान की गई दंत-चिकित्सा डिग्रियों को मान्यता देने के बारे में दंत-चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 62 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित अंतः स्थापति किया जाएगा :—

“II मौरस दंत चिकित्सा कॉलेज, पॉरीशस

(i) दंत शल्य चिकित्सा स्नातक बीडीएस, भाव नगर विश्वविद्यालय,
(ii) (यदि उन भारतीय छात्रों को भावनगर”

प्रदान की जाती है जिन्हें केवल

2010-11 तक बैच में प्रवेश

दिया गया था)

[फा. सं. वी.-12025/30/2002-डीई (खण्ड-III)]

अनीता त्रिपाठी, अवर सचिव

New Delhi, the 28th July, 2011

S.O. 2752.—In exercise of the powers conferred by sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), and in pursuance of Supreme Court ruling in W.P. (C) 172 of 2010 & 202 of 2010 in the matter of Soham Mayankumar Vyas & Ors Versus UOI & Ors and Maura's College of Dentistry, Hospital & Oral Research Institute & Anr. Versus UOI & Ors respectively and in reference to the request/undertaking of the College Authoriteis, the Central Government, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely:—

2. In the existing entries of column 2 & 3 against Serial No. 62, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental degrees awarded by Bhavnagar University, Gujarat, the following entries shall be inserted thereunder:

**“II. Maura's College of Dentistry,
Mauritius.**

(i) Bachelor of Dental Surgery BDS, Bhavnagar
(if granted to the students
admitted upto the 2010-11
batches only).

[F.No. V. 12025/30/2002-DE (Vol. III)]

ANITA TRIPATHI, Under Secy.

सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय

नई दिल्ली, 26 सितम्बर, 2011

का.आ. 2753.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, सूक्ष्म, लघु और मध्यम उद्यम मंत्रालय के नियंत्रणाधीन निम्नलिखित कार्यालय जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. कर्य भवन, कर्य बोर्ड, 13-26-2, अपरुपा आर्केड, जगदंबा थियेटर के सामने, एम. आर. पेट्रा, विशाखापट्टनम-530 002।

[सं. ई. 12016/01/2005-हिन्दी]

अमरेन्द्र सिन्हा, संयुक्त सचिव

MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES

New Delhi, the 26th September, 2011

S.O. 2753.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office, under the control of the Ministry of Micro, Small & Medium Enterprises, whose more than 80% staff has acquired working knowledge in Hindi :

1. Coir Bhawan, Coir Board, 13-26-2, Apuroopa Arcad, Opp. Jagadamba Theatre, M.R. Peta, Visakhapatnam-530 002.

[No. E-12016/01/2005-Hindi]

AMARENDRRA SINHA, Jt. Secy.

उपभोक्ता मापले, खाद्य और सार्वजनिक वितरण मंत्रालय

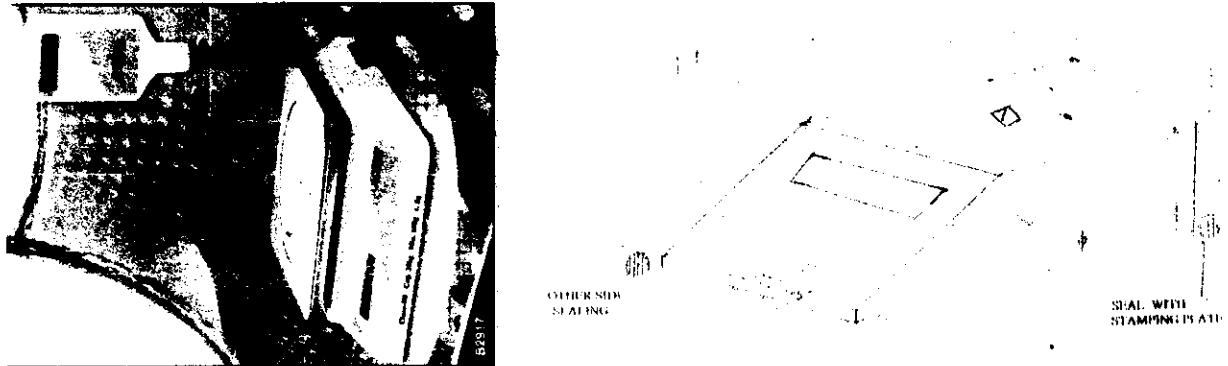
(उपभोक्ता मापले विभाग)

नई दिल्ली, 9 अगस्त, 2011

का.आ. 2754.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निर्मल इंडस्ट्रीज गली नं. 19, धोबी तेली, रानी बाजार, बीकानेर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसटी” शृंखला के अंकुक सूचना सहित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) के मॉडल का, जिसके ड्राइंड का नाम “एक्टिव” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/235 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेत आधारित अस्वचालित तोलन उपकरण (टेबलटॉप टाइप) है। जिसकी अधिकतम क्षमता 30 कि.ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रस्तुपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो और 100 मि. ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्राम या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या क्रृत्यात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(119)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 9th August, 2011

S.O. 2754.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "ACT" and with brand name "ACTIVE" (hereinafter referred to as the said model), manufactured by M/s. Nirmal Industries, Gali No. 19 Dhobi Tali, Rani Bazar, Bikaner, Rajasthan and which is assigned the approval mark IND/09/11/235:

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg, and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) / display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

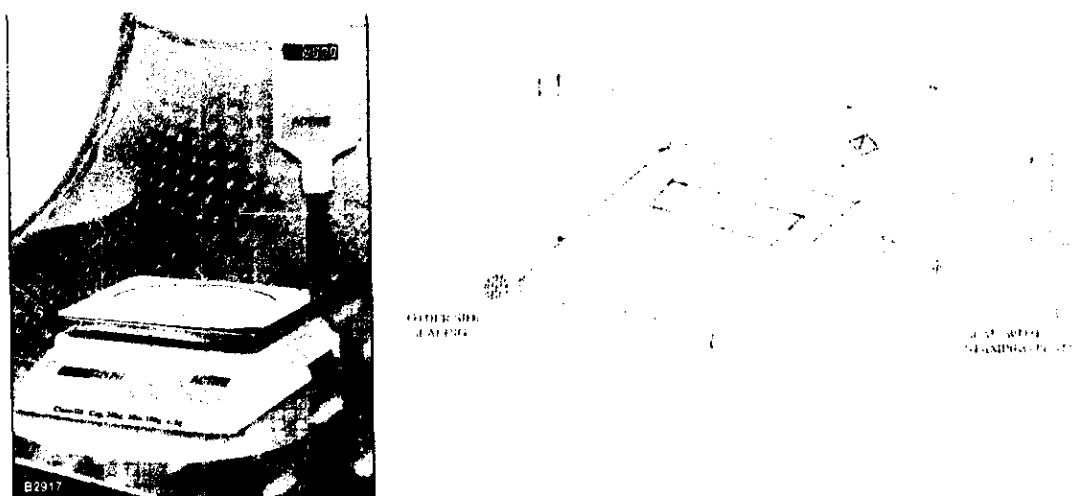


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg, with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg, to 2g, and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g, or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

| E.No.WM-21(119)/2011 |
B. N. DIXIT, Director of Legal Metrology

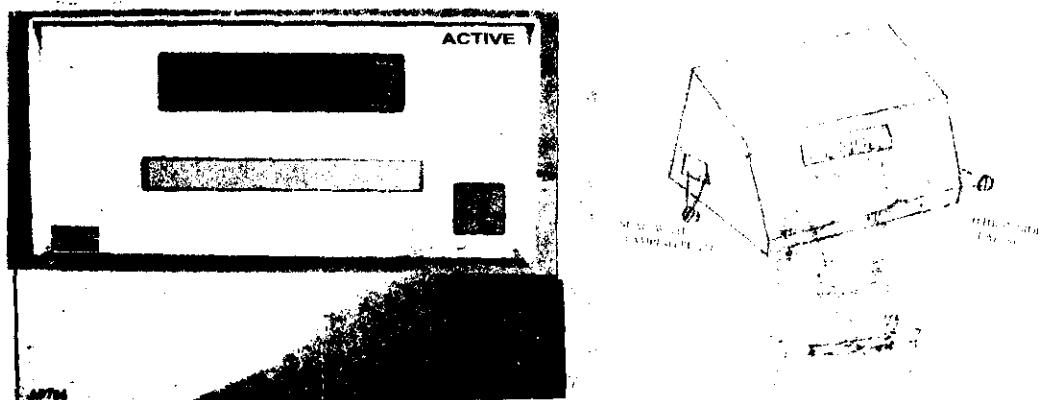
नई दिल्ली, 9 अगस्त, 2011

का.आ. 2755.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009(2010 का।) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का।) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स निर्मल इंडस्ट्रीज गली नं. 19, धोबी तेली, रानी बाजार, बीकानेर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसीडब्ल्यूबी” शुरुखला के अंकर सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके ब्राण्ड का नाम “एक्टिव” है, (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/236 समनुरोधित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) है। जिसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धरित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रात्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग बायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में कल्पी केलिब्रेशन तक पहुंच को सुनिश्ची है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शुरुखला के बैसे ही मंक, यथार्थता और अनुरोधालन के तोलन उपकरण भी होंगे जो 5 कि. ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान, 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या अद्यात्मक पूणीक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(119)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2755.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accurac class-III) of series "ACWB" and with brand name "ACTIVE" (hereinafter referred to as the said model), manufactured by M/s. Nirmal Industries, Gali No. 19, Dhobi Tali, Rani Bazar, Bikaner, Rajasthan and which is assigned the approval mark IND/09/11/236;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100kg. The verification scale interval (c) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230Volts, 50Hertz alternative current power supply.

Figure-1 Model

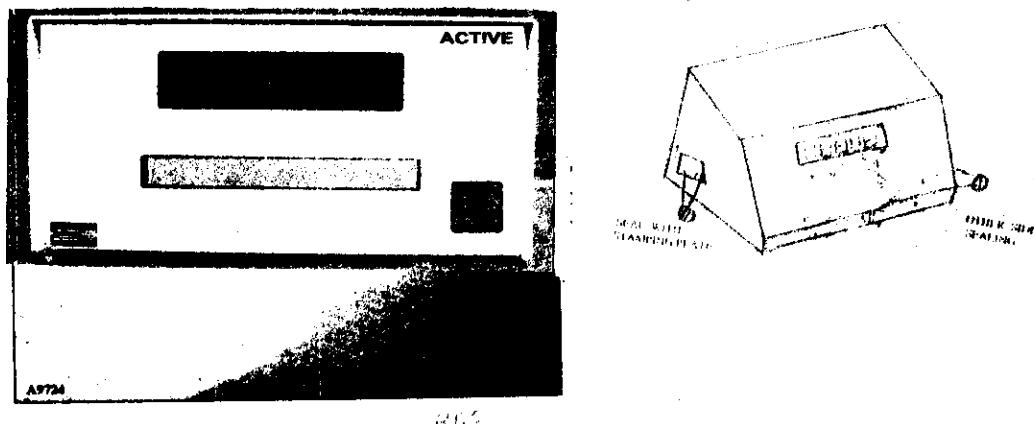


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with above 5 tonne and up to 200tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

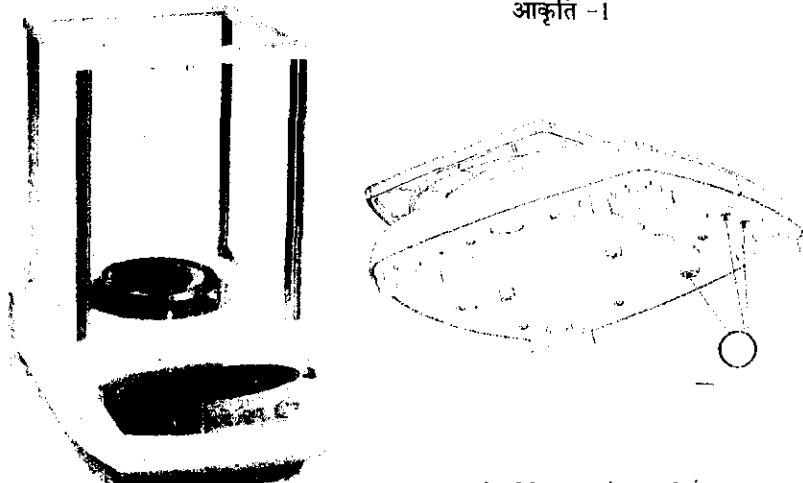
नई दिल्ली, 9 अगस्त, 2011

का.आ. 2756.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा जारी मॉडल अनुमोदन प्रमाण पत्र के साथ उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976(1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसेस ओहॉस कोरपोरेशन, 19 ए, चैपिन रोड, पीओ बाक्स 2033, पिने बुक, एनजे 07058-2033, यूएसए द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) के “पी.ए.” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांण्ड का नाम “ओहॉस” है, (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसेस ओहॉस वेइंग इंडिया प्रा.लि. अमर हिल, साको विहार रोड, पोबई, मुम्बई-400072 द्वारा भारत में बिक्री से पूर्व या पश्चात् बिना किसी परिवर्तन के बिक्रीत किया गया है और जिसे अनुमोदन चिह्न आई एन डी/09/11/164 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार-कैरेट बैलेंस) है। इसकी अधिकतम क्षमता 400 ग्रा. (2000 कैरेट) और न्यूनतम क्षमता 200 मि. ग्रा. (1 कैरेट) है। सत्यापन मापमान अन्तराल (ई)10 मि. ग्रा. (0.05 कैरेट) है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। बैकलिट लिकिंड क्रिस्टल डायोड (एल सी डी) प्रदर्शी तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति - 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (माडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 कि.ग्रा. (25000 कैरेट) तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 , 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

New Delhi, the 9th August, 2011

S.O. 2756.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High Accuracy (Accuracy class-II) of series "PAJ" and with brand name "OHAUS" (hereinafter referred to as the said model), manufactured by M/s. Ohaus Corporation, 19A, Chapin Road, P.O. Box 2033. Pine Brook, NJ 07058-2033, USA and sold in India without any alteration before or after sale by M/s. Ohaus Weighing India Private Limited, Amar Hill, Saki Vihar Road, Powai, Mumbai —400 072 and which is assigned the approval mark IND/09/11/164;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type-Carat Balance) with a maximum capacity of 400g (2000ct) and minimum capacity of 200mg.(1ct). The verification scale interval (e) is 10mg.(0.05 ct). It has a tare device with a 100 per cent subtractive retained tare effect. The Backlit Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230Volts, 50 Hertz alternative current power supply.

Figure-1 Model

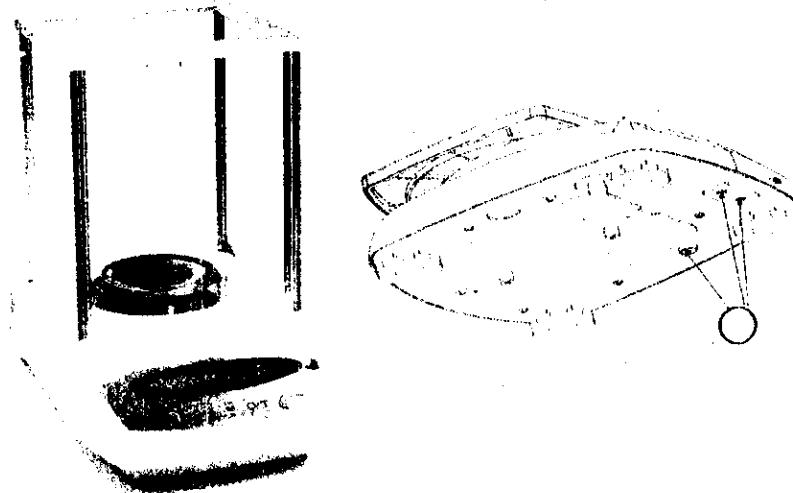


Figure-2 Schematic Diagram of the sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

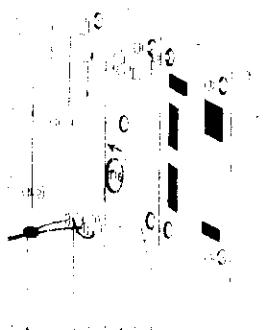
Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 5kg (25000 carat) with verification scale interval (n) in the range of 100 to 100,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

नई दिल्ली, 9 अगस्त, 2011

का.आ. 2757.—केन्द्रीय सरकार का, विहित प्रधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए मैसर इण्डेवर इंस्ट्रमेंट प्रा.लि., 45/3, चंगोदर इंड एस्टेट, ए'बाद डिस्ट., को. ऑप. बैंक रोड, एस टी बम स्टैण्ड के पास, मग्नेज बलवा हाड़व, चंगोदर-382213 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) के “डब्ल्यू/बी/ई” शृंखला के अंकक सूचन महित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेंट्रिज) के मॉडल का, जिसके ब्राण्ड का नाम “इनडीईएवीओयूआर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/160 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेंट्रिज) है। इसकी अधिकतम क्षमता 100 टन है और न्यूनतम क्षमता 200 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई)10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग बायर निकाल कर डिस्प्ले के राइट साइड/बैंक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 400 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(67)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2757.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy class-III) of series "W/B/E" and with brand name "ENDEAVOUR" (hereinafter referred to as the said model), manufactured by M/s. Endeavour Instrument Pvt. Ltd. 45/3, Changodar Ind Estate, A'bad Dist. Co. Op. Bank Road, Nr. S.T. Bus Stand, Sarkhej Bavla Highway, Changodar-382213 and which is assigned the approval mark IND/09/11/160;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 100 tonne and minimum capacity of 200 kg. The verification scale interval (c) is 10 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

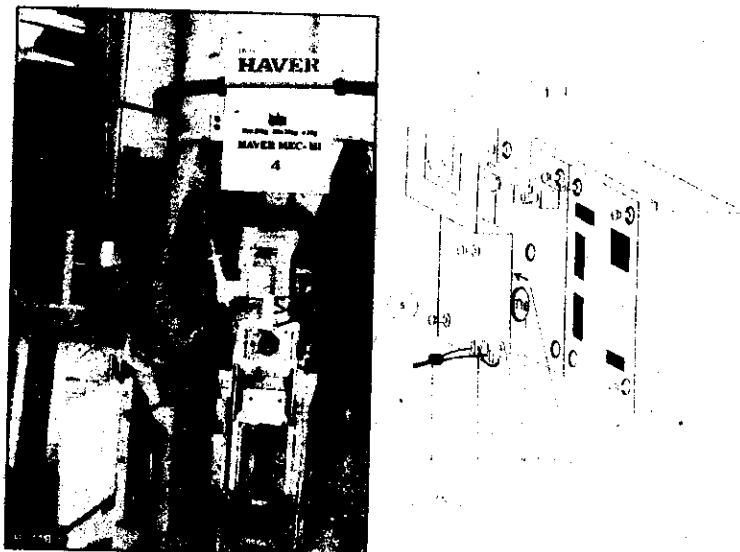


Figure-2 Schematic Diagram of sealing provision of the model

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 400 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

नई दिल्ली, 9 अगस्त, 2011

का.आ. 2758.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स इण्डेवर इंस्ट्रुमेंट प्रा. लि., 45/3, चंगोदर इंड. एस्टेट, ए. बाद डिस्ट., को. ऑप. बैंक रोड, एस टी बस स्टैण्ड के पास, सरखेज बलवा हाइवे, चंगोदर-382213 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यू/बी/ई” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (वेब्रिज के लिए कंवर्जन किट) के मॉडल का, जिसके ड्राइड का नाम “इंडियाईवीओयूआर” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/161 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (वेब्रिज के लिए कंवर्जन किट) है। जिसकी अधिकतम क्षमता 100 टन और न्यूनतम क्षमता 200 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई)10 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रात्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़ हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 400 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या क्रृत्यात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम 21(67)/2011]

वी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2758.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Conversion Kit for Weighbridge) with digital indication of Medium Accuracy (Accurac class-III) of series "W/B/E" and with brand name "ENDEAVOUR" (hereinafter referred to as the said model), manufactured by M/s. Endeavour Instrument Pvt. Ltd., 45/3, Changodar Ind. Estate, A'bad Dist. Co. Op. Bank, Nr. S.T. Bus Stand, Sarkhej Bavla Highway, Changodar-382213 and which is assigned the approval mark IND/09/11/161;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion Kit for Weighbridge) with a maximum capacity of 100tonne and minimum capacity of 200kg. The verification scale interval (*e*) is 10kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

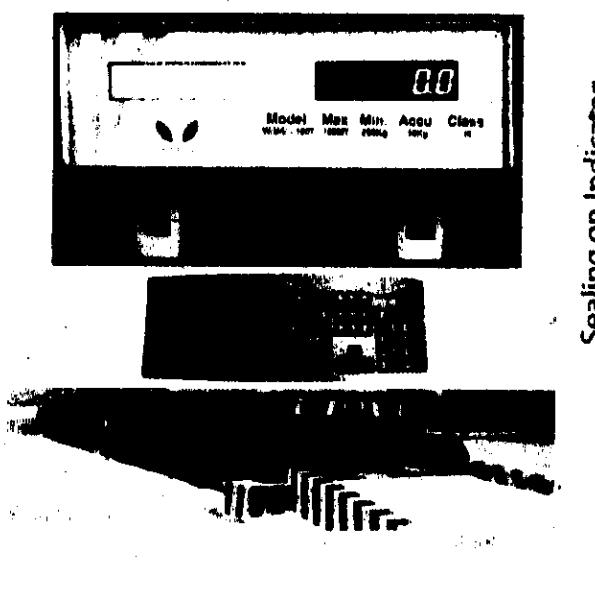


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above Stonne and up to 400 tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g or above and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved model has been manufactured.

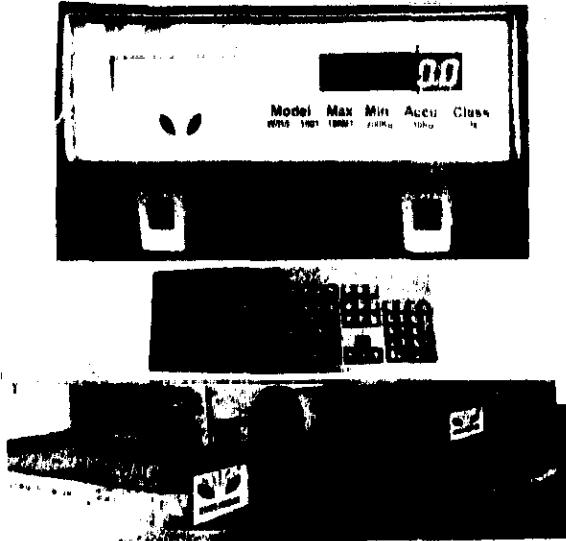
नई दिल्ली, 9 अगस्त, 2011

का.आ. 2759.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में विभिन्न मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की 'उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स हेवर इबाउ इंडिया प्रा. लि., सर्वे नं. 32/4/41 और 42, खंडीवाडा, बरोदा हल्लोल रोड, पोस्ट, असोज, बडोदरा-391510 (गुजरात) द्वारा विनिर्मित यथार्थता वर्ग, X(1) जहाँ x=1 वाले “हेवर मैक III” शृंखला के स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण के मॉडल का, जिसके ब्राण्ड का नाम “हेवर ब्लीअर इलैक्ट्रोनिक्स मैक III” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/11 .06 समनुदेशित किया गया है, अनुमोदन प्रभाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित स्वचालित ग्रेविमेट्रिक फिलिंग उपकरण है। जिसकी अधिकतम क्षमता 50 कि.ग्रा., न्यूनतम क्षमता 30 कि.ग्रा. और 'डी', वेल्यू 50 ग्रा., फिलिंग प्वाइंट की सं. 4 के साथ उत्पाद की मात्रा और प्रकृति पर निर्भर करते हुए इसकी बारम्बारता 10 फिल्स प्रति मिनट है। मशीन को सभी प्रकार के सीमेंट, साफ्ट सेंड, सेंड आदि भरने के लिए डिजाइन किया गया है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-1



Sealing on Indicator



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

स्थाप्य और सील के स्थापन के लिए इंडीकेटर के पिछली तरफ, कवर और बैकिंग के ऊपर से चार बोरेड स्कू में से लीडिङ सीलिंग योजनाबद्ध डायग्राम उपरोक्त दिया गया है। सील से छेढ़ाइ किए जिन इंडीकेटर को खोला नहीं जा सकता। मॉडल को सीलिंग करने के उपबंध का एक प्रस्तुती योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रभाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैंस ही मेंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 50 कि.ग्रा. तक की क्षमता वाले हैं।

New Delhi, the 9th August, 2011

S.O. 2759.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Automatic Gravimetric Filling Instrument belonging to Accuracy Class, X(x) where x=1 of series "HAVER MECIII" and with brand name "HAVER WEIGHER ELECTRONICS MECIII" (hereinafter referred to as the said model), manufactured by M/s. Haver Ibau India Pvt. Ltd., Survey No. 32/4/41 & 42, Khandiwala, Baroda Halol Road, Post : Asoj, Vadodara-391510 (Gujarat) and which is assigned the approval mark IND/09/11/106;

The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument. It has maximum capacity of 50 kg. Minimum capacity of 30kg. and d value of 50 g., No. of filling points are 4, with a frequency of 10 fills per minute depending upon the quantity and nature of the product. The machine is designed for filling all types of cement, soft sand, sand etc. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

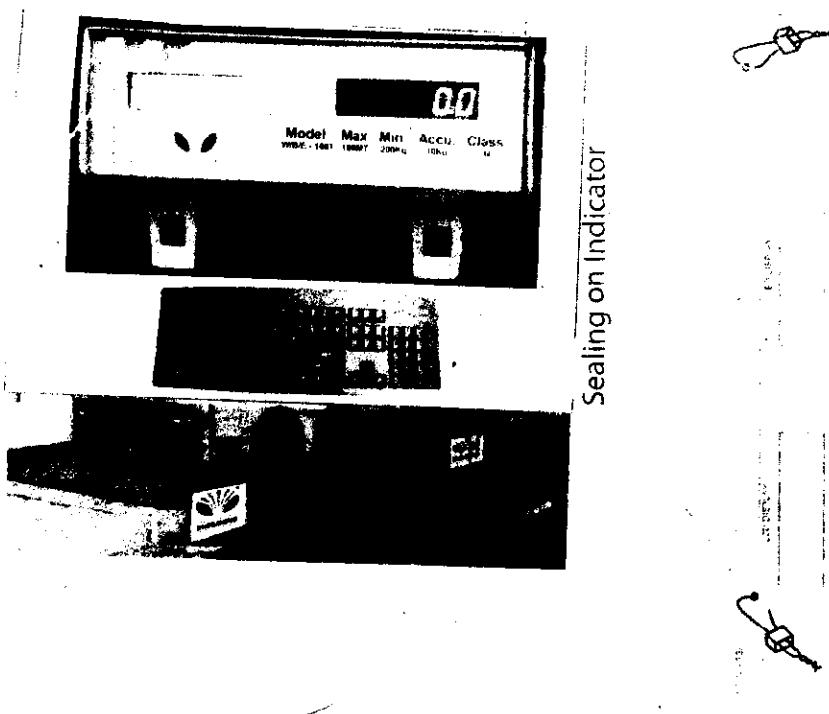


Figure-2—Schematic diagram of the sealing provision of the model.

On the rear side of the indicator, a leaded sealing wire is fastened through four bored screws, passing over the cover and bracket, for receiving the verification stamp and seal. The indicator cannot be opened without tampering the seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity up to 50 kg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 9 अगस्त, 2011

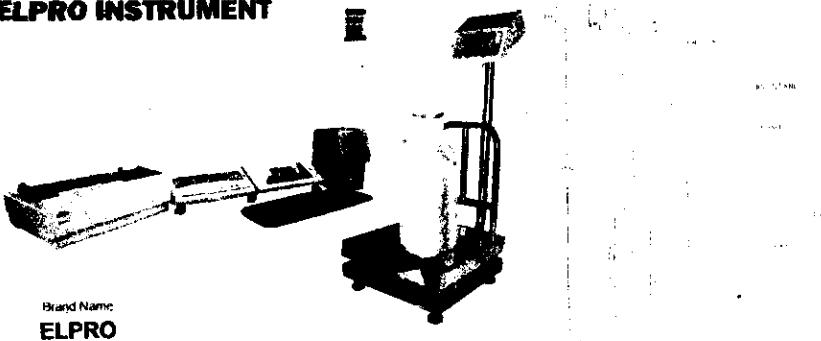
का.आ. 2760.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एलप्रो इंस्ट्रुमेंट, डी नं. 16/1874, श्रीनिवास अगराहरम, विजयमहल रोड, नेल्लोर-2 (आंध्र प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले “पीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “एलप्रो” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/51 समनुरोधित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है (प्लेटफार्म टाइप डुअल इंटरवल किंग्रा. को लीटर में बदलने और बिल ग्रीटिंग सुविधा सहित) है। इसकी अधिकतम क्षमता 1000 किंग्रा. और न्यूनतम क्षमता 4 किंग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. से 500 किंग्रा. तक और 500 किंग्रा. से 1000 किंग्रा. तक 500 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति

ELPRO INSTRUMENT



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग बायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी शृंखला के बैस ही में, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा.या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 किंग्रा. से 5000 किंग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^8 , 2×10^8 या 5×10^8 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(30)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2760.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of Medium Accuracy (Accuracy Class-III) of series "PF" and with brand name "ELPRO" (hereinafter referred to as the said model), manufactured by M/s. Elpro Instrument, D. No. 16/1874, Srinivasa Agraaharam, Vijayamahal Raod, Nellore-2 (A.P.) and which is assigned the approval mark IND/09/11/51;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type - Dual Interval- with kg to litre conversion and bill printing facility) with a maximum capacity of 1000 kg and minimum capacity of 4 kg. The verification scale interval (e) is 200g up to 500 kg and above 500kg and up to 1000 kg. and 500 kg. It has a tare device with a 100 per cent subtained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

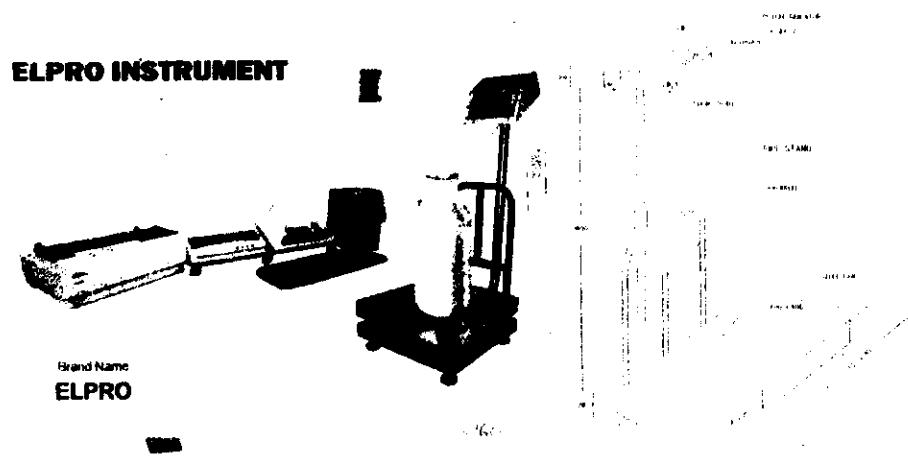


Figure-2 —Schematic Diagram of the sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[E. No. WM-21(30)/2011]

B. N. DIXIT, Director of Legal Metrology

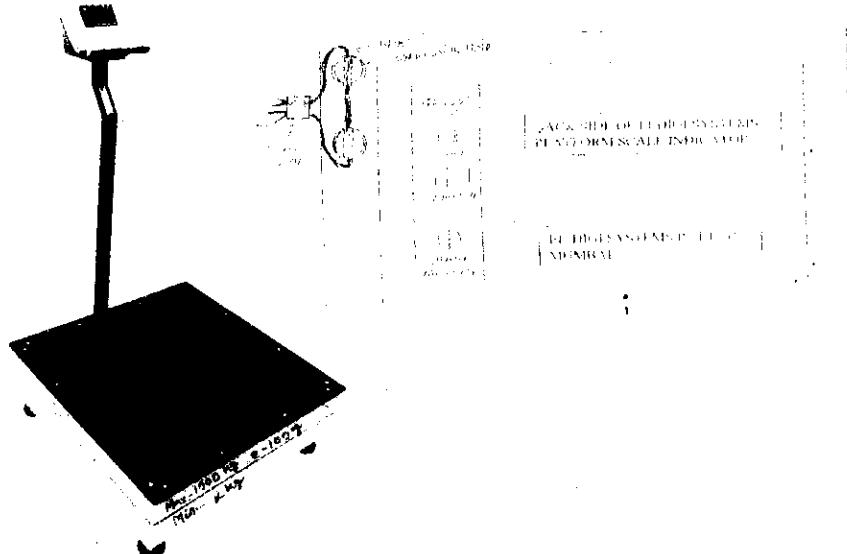
नई दिल्ली, 9 अगस्त, 2011

का.आ. 2761.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसम ईएलडीजी सिस्टम्स प्रा. लि., 54 सुयोग इंडस्ट्रियल एस्टेट, एल बी एस मार्ग, विखरोली, मुंबई-400083, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एफएलएक्स' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "ईडीएस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/148 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एल ईंडीएल सी डी प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकालकर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या क्रृत्यात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डल्ल्यू एम 21(63)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2761.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of medium accuracy (Accuracy Class-III) of Series "FLX" and with brand name "EDS" (hereinafter referred to as the said model), manufactured by M/s. EI-digi Systems Pvt. Ltd, 54, Suyog Industrial Estate, L. B. S. Marg, Vikhroli, Mumbai-400083, Maharashtra and which is assigned the approval mark IND/09/11/148;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000kg and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. LED/LCD display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

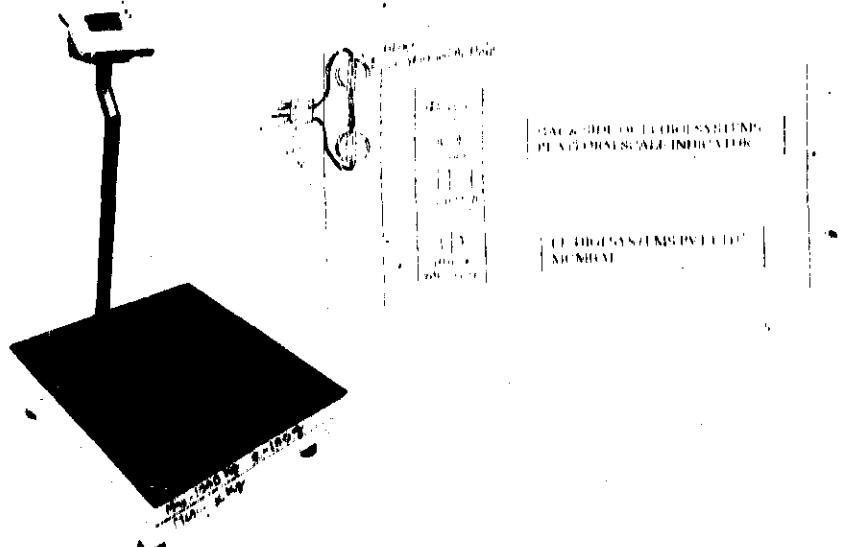


Figure-2 Schematic Diagram of the sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

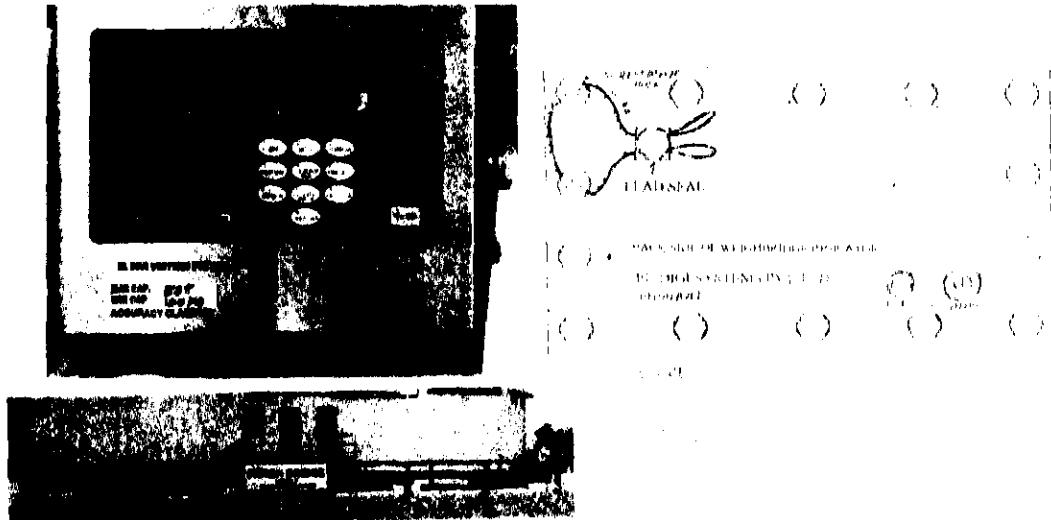
नई दिल्ली, 9 अगस्त, 2011

का.आ. 2762.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ईंप्लाइजी सिस्टम्स प्रा. लि., 54 सुयोग इंडस्ट्रीजल एस्टेट, एल बी एस मार्ग, विष्णुरोली, मुंबई-400083, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-I) वाले “ईंडीएसडब्ल्यूटी 030टी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) के मॉडल का, जिसके छाण्ड का नाम है “ईंडीएस” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/11/149 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रोनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन है और न्यूनतम क्षमता 100 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। एल ई डी/एल सी डी प्रदर्शन तोलन परिणाम उपर्युक्त करता है। उपकरण 230 बोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विषुद्ध प्रदाय पर कार्य करता है।

आकृति - 1



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्द डायग्राम।

डिस्प्ले की ओरी में से सीलिंग वायर निकालकर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और डॉप कावर में बने दो छोड़ों में से सीलिंग वायर निकालकर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रलैपी योजनाबद्द डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कोलिङ्गेशन तक पहुंच की सुविधा है। बाहरी कोलिङ्गेशन तक पहुंच को रोकने के लिए ए.इ. कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही बेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टिन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(63)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th August, 2011

S.O. 2762.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of medium accuracy (Accuracy Class-III) of Series "EDSWB 030T" and with brand name "EDS" (hereinafter referred to as the said model), manufactured by M/s. Hi-digi Systems Pvt. Ltd, 54, Suyog Industrial Estate, L. B. S. Marg, Vikhroli, Mumbai-400083, Maharashtra and which is assigned the approval mark IND/09/11/149;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. LED/LCD display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

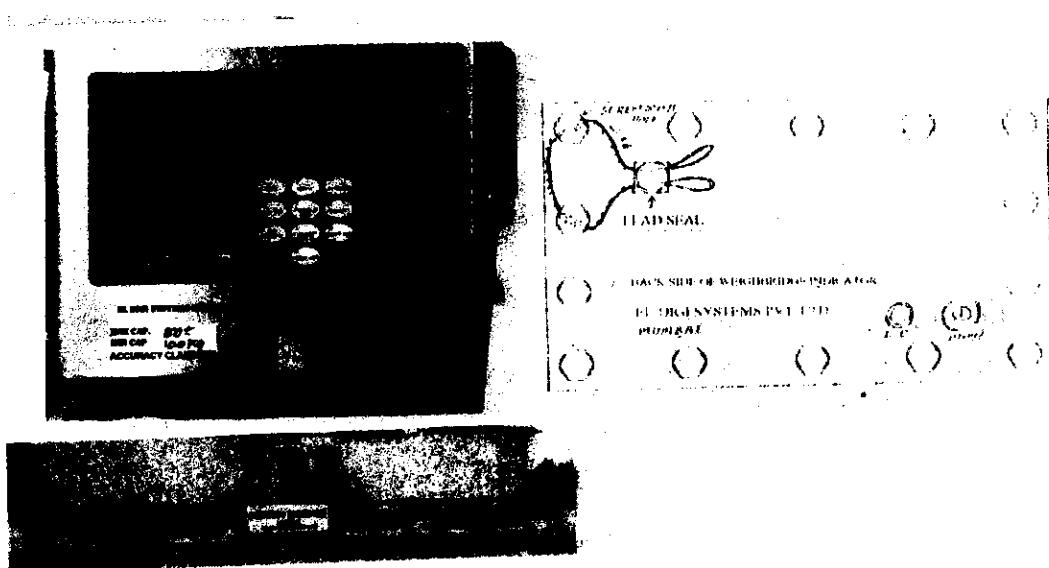


Figure-2 Schematic Diagram of the sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or above and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F.No.WM-21(63)/2011]

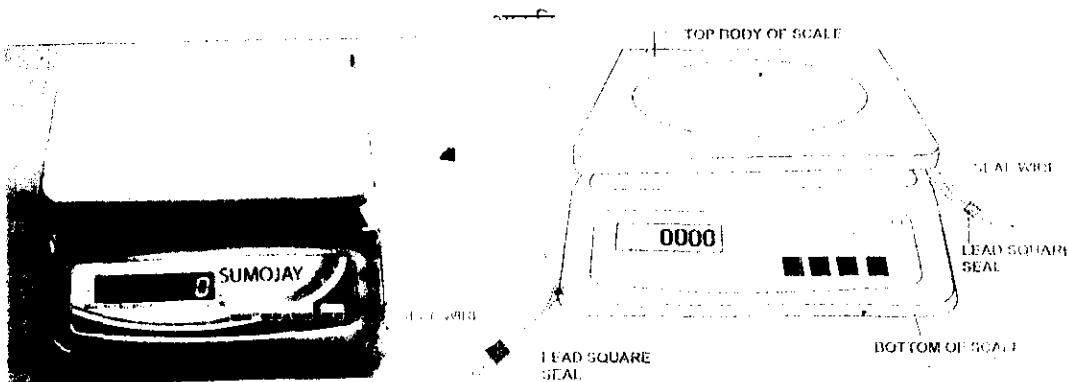
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2763.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009(2010 का ।) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का ।) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स सूमो जय इलेक्ट्रोनिक्स प्रा. लि., 27, लिङ्गा इंडस्ट्रियल एस्टेट, भिक्षुक गुरु रोड, टेलीफोन एक्सचेंज के पास, ओधव अहमदाबाद-382 415 गुजरात विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) बाले “एसईपीएल-टीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप-मल्टी स्केल इंटरवल टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “सूमोजय” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/231 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप मल्टी स्केल इंटरवल टाइप) है। जिसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 कि.ग्रा. तक 2 ग्रा. और 20 कि. ग्रा. से ऊपर 30 कि.ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्दर्शित करता है। उपकरण 230 बोल्ट और 50 हर्ट्ज प्रत्यावर्ती भारा विद्युत प्रदाय पर कार्य करता है।



आकृति -2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील में जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक के “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(90)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2763.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top-Multi Scale Interval Type) with digital indication of medium accuracy (accuracy class-III) of series "SEPL-TT" and with brand name "SUMOJAY" (hereinafter referred to as the said model), manufactured by M/s. Sumo Jay Electronics Pvt., Ltd. 27, Libra Industrial Estate, Bhikshuk Guru Road, Near Telephone Exchange, Odhav Ahmedabad-382 415, Gujarat and which is assigned the approval mark IND/09/11/231;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top-Multi Scale Interval Type) with a maximum capacity of 30kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. up to 20kg. and above 20kg and up to 30kg is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

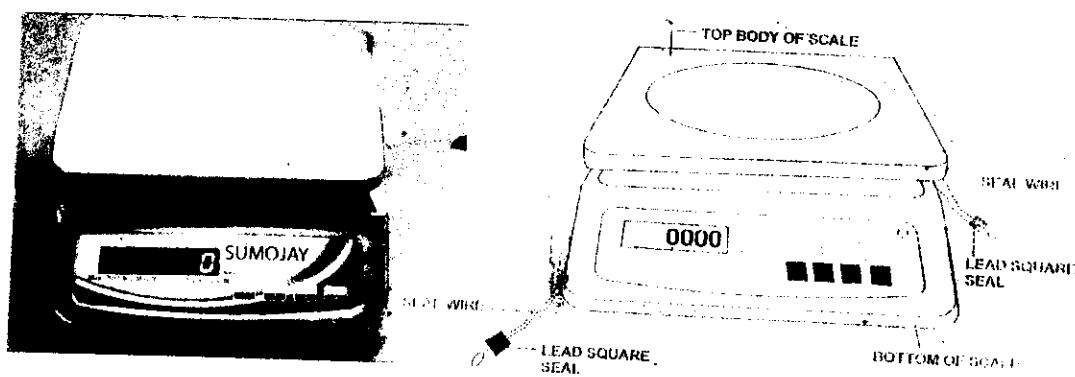


Figure-2 Schematic Diagram of the sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the said approved Model has been manufactured.

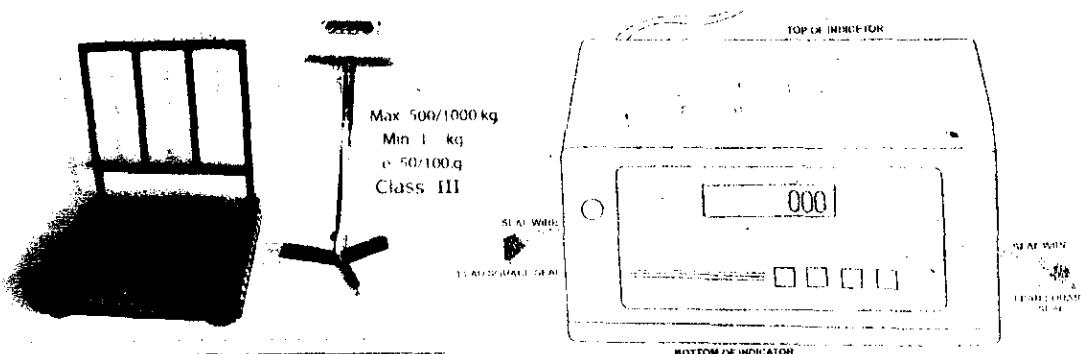
नई दिल्ली, 10 अगस्त, 2011

का.आ. 2764.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे ही गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009(2010 का ।) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ घटित विधिक माप विज्ञान अधिनियम, 2009 (2010 का ।) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स सूमो जय इलेक्ट्रोनिक्स प्रा. लि., 27, लिङ्गा इंडस्ट्रियल एस्टेट, भिक्षुक गुरु रोड, टेलीफोन एक्सचेंज के पास, ओधव अहमदाबाद-382415 गुजरात विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एसईपीएफ” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेट फार्म टाइप-मल्टी स्केल इंटरवल टाइप) के मॉडल का, जिसके ड्राइड का नाम “सूमोजय” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन विह आई एन डी/09/11/232 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेट फार्म टाइप-मल्टी स्केल इंटरवल टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता । कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 500 कि.ग्रा. तक 50 ग्रा. और 500 कि.ग्रा. से ऊपर 1000 कि.ग्रा. तक 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति - 1



आकृति - 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की ओर्डी भैं से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और इंप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण और हाई केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह विवरण करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी शाखाएँ से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालक की सीलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान $1 \times 10^*$, $2 \times 10^*$, $5 \times 10^*$, के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(90)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2764.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Plate Form Type Multi Scale Interval Type) with digital indication of medium accuracy (accuracy class-III) of series "SEPF" and with brand name "SUMOJAY" (hereinafter referred to as the said model), manufactured by M/s. Sumo Jay Electronics Pvt. Ltd., 27, Libra Industrial Estate, Bhikshuk Guru Road, Near Telephone Exchange, Odhav Ahmedabad-382 415, Gujarat and which is assigned the approval mark IND/09/11/232;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Plate Form-Multi Scale Interval Type) with a maximum capacity of 1000kg and minimum capacity of 1kg. The verification scale interval (*e*) is 50g. up to 500kg. and above 500kg. and up to 1000kg. is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

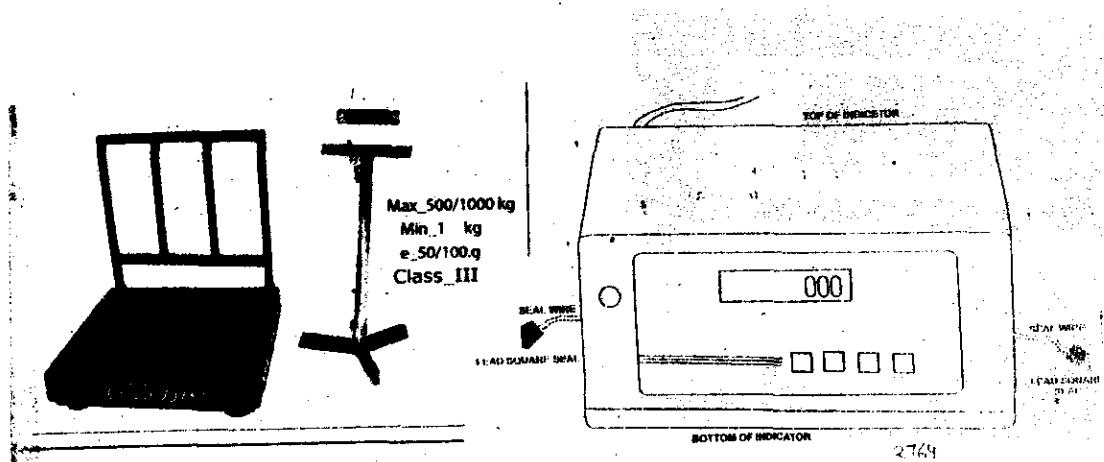


Figure-2 Schematic Diagram of the sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity from 50 kg. and up to 500kg. with verification scale interval (*n*) in the range of .500 to 10,000 for '*e*' value of 5g or more and with '*e*' value of 1×10^k , 2×10^k , or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

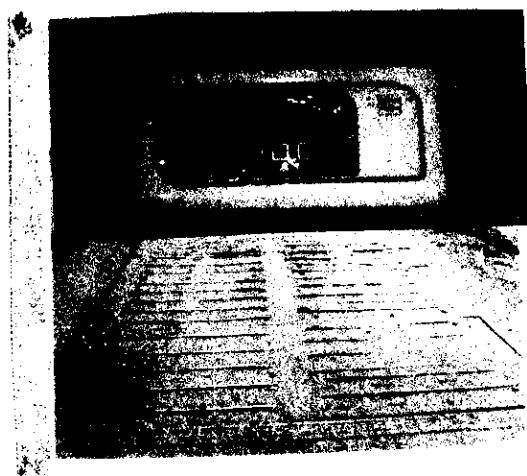
नई दिल्ली, 10 अगस्त, 2011

का.आ. 2765.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

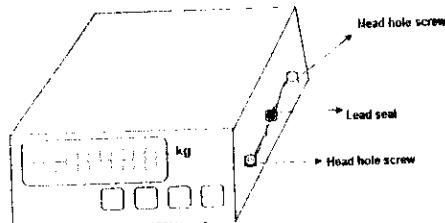
अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जय दुर्गा स्केल कॉर्पोरेशन, V-479/6, गली नं. 1, विजय पार्क मौजपुर, दिल्ली-53 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'जेडीडब्ल्यू' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) के मॉडल का, जिसके ब्राण्ड का नाम "किलोट्रोन" जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/100 समनुरेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज) है। इसकी अधिकतम क्षमता 50 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अंतराल (ई) 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्लनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

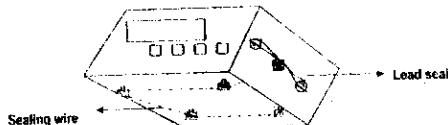
आकृति - 1



Schematic Diagram of stamping and sealing for weighbridge indicator



(Indicator of the Weighbridge — Front Side)



(Indicator of the Weighbridge — Lower back Side)

आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की छाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों वें से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

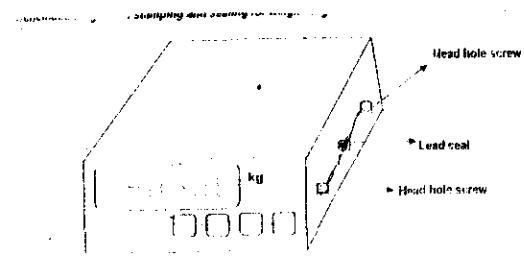
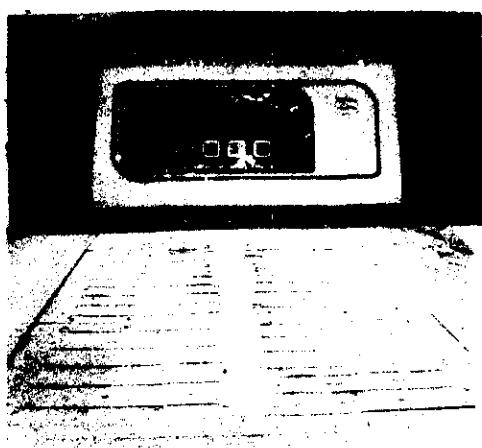
New Delhi, the 10th August, 2011

S.O. 2765.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge) with digital indication of Medium Accuracy (Accuracy Class-III) of Series "JDW" and with brand name "KILOTRON" (hereinafter referred to as the said model), manufactured by M/s. Jai Durga Scale Corporation, V-479/6, Gali No. 1, Vijay Park Maujpur, Delhi-110053 and which is assigned the approval mark IND/09/11/100;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge) with a maximum capacity of 50 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1



(Indicator of the Weighbridge — Front Side)



(Indicator of the Weighbridge — Lower back Side)

Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and materials with which, the said approved model has been manufactured.

[F.No.WM-21 (12)/2011]

B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2766.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बांग्ना मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसेस ओसिएन वेइंग स्केल, भूशिरपुर लालगंज, आजमगढ़-276202 (उत्तर प्रदेश) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “ओडब्ल्यूएसटीटी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “ओसिएन” है, (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/194 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। जिसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अंतराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति -1



आकृति - 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम ।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलांबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के “ई” मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णीक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(113)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2766.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of High accuracy (Accuracy class-II) of series "OWSTT" and with brand name "OCEAN" (hereinafter referred to as the said model), manufactured by M/s. Ocean Weighing Scales, Mashirpur Lalganj, Azamgarh-276202 (Uttar Pradesh) and which is assigned the approval mark IND/09/11/194;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 2g.. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) / display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

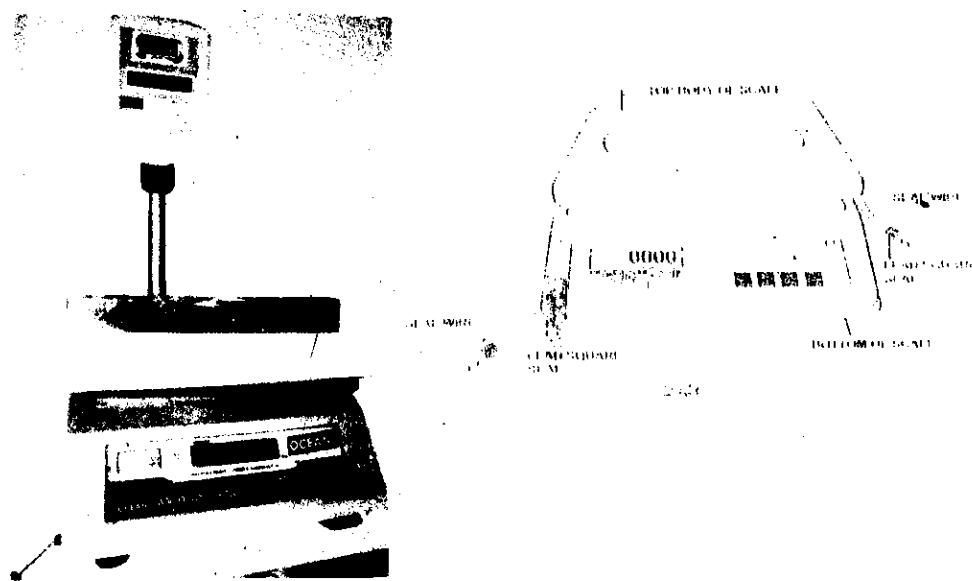


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the power conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 100,000 for ' e ' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5000 to 100,000 for ' e ' value of 100mg. or more and with ' e ' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

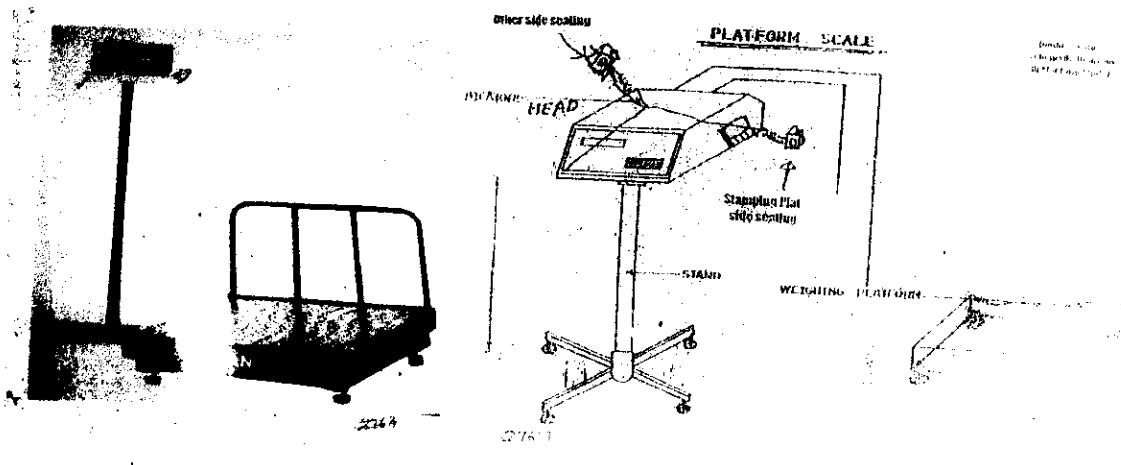
[F.No.WM-21(113)/2011]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2767.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऑसिएन डैंग स्केल, मशिरपुर लालगंज, आजमगढ़-276202 (उत्तर प्रदेश) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ओडब्ल्यूएसपीटी” शृंखला के अंकक सूचन अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राइंड का नाम “ओसिएन” है, (जिसे इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/195 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। जिसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रात्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कलर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साझगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के बैस ही मेंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5×10^{-3} , 2×10^{-3} या 5×10^{-4} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(113)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2767.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of median accuracy (accuracy class-III) of series "OWSPT" and with brand name "OCEAN" (hereinafter referred to as the said model), manufactured by M/s. Ocean Weighing Scales, Mashirpur Lalganj, Azamgarh-276202 (Uttar Pradesh) and which is assigned the approval mark IND/09/11/195;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform Type) with a maximum capacity of 1000kg. and minimum capacity of 2kg. The verification scale interval (*e*) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1 Model

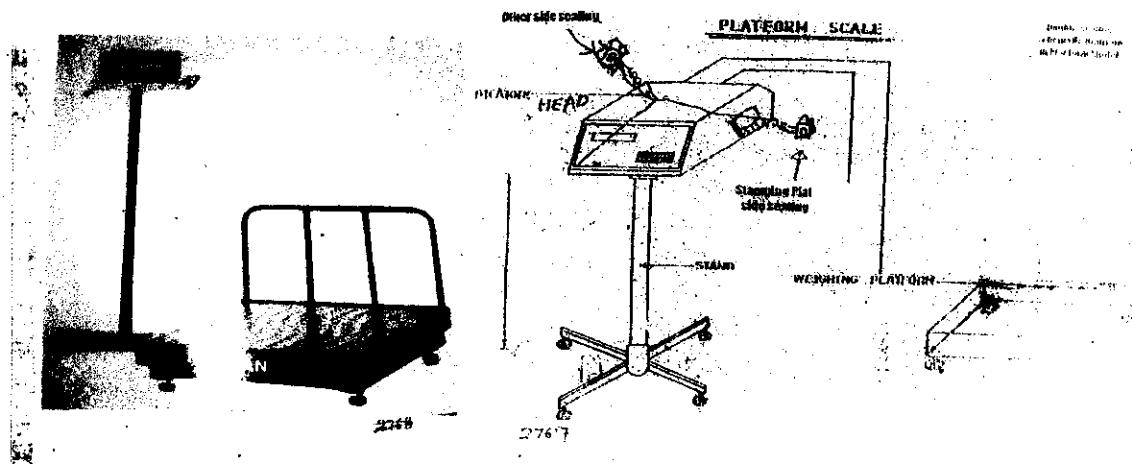


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

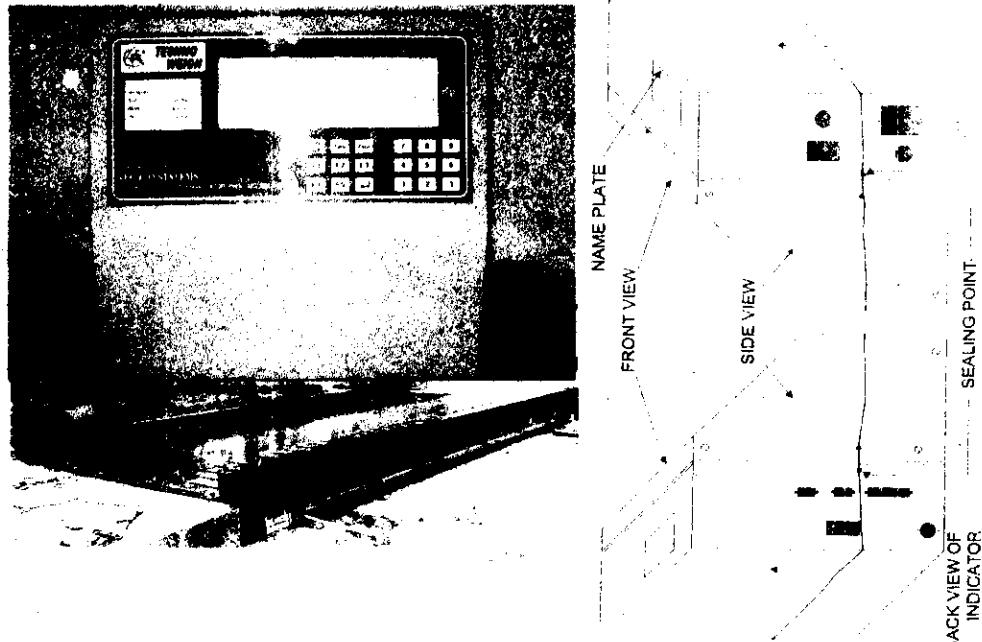
Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50kg. and up to 5000kg. with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of 1×10^k , 2×10^k , or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2768.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समीधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स टेक्नो सिस्टम्स नं. 7-26-138, शारदानगर, सफीगुडा, मल्कजगिरी (पोस्ट), सिकन्दराबाद-500047 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'जी22-डब्ल्यूबी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज-मल्टी लोड सेल टाइप) के मॉडल का, जिसके ड्राइंड का नाम “टेक्नो वे” (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/11/78 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक वेब्रिज मल्टी लोड सेल टाइप) है। इसकी अधिकतम क्षमता 80 टन और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। ग्राफिक लिंकिंड किस्टल डिस्प्ले (एल सी डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(21)/2011]
वी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2768.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge-Multi Load Cell Type) with digital indication of Medium Accuracy (Accuracy Class-III) of Series "G22-WB" and with brand name "TECHNO WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Techno Systems, No. 7-26-138, Saradanagar, Safilguda, Malikajgiri (Post), Secunderabad-500047 and which is assigned the approval mark IND/09/11/78;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge-Multi Load Cell Type) with a maximum capacity of 80tonne and minimum capacity of 400 kg. The verification scale interval (*e*) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Graphic Liquid Crystal Display (LCD) Display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

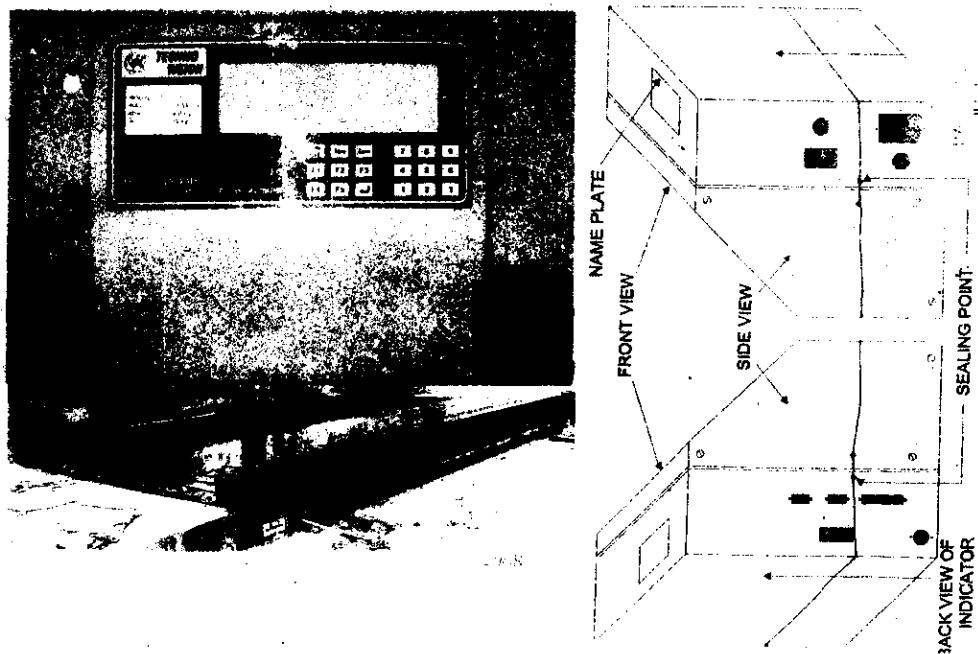


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

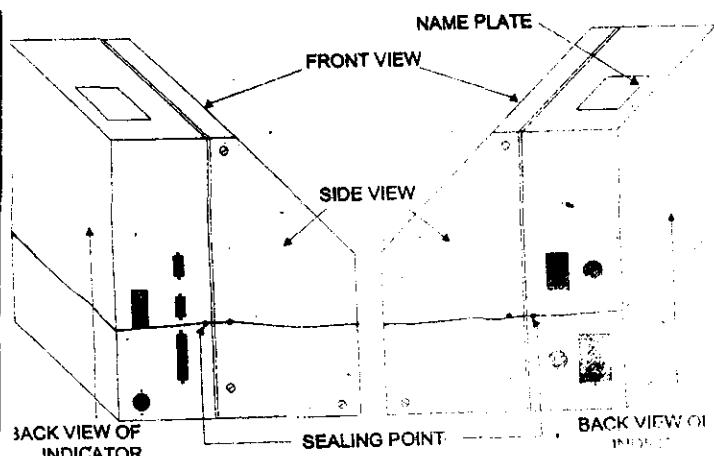
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200tonne with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2769.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स टेक्नो सिस्टम्स नं. 7-26-138, शारदानगर, सफीगुडा, मल्कजगिरी (पोस्ट), सिकन्दराबाद-500047 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले 'एल33-डब्ल्यूबी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेन्डिंग-मल्टी लोड सेल टाइप) के माडल का, जिसके ब्राइड का नाम "टेक्नो बी" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/79 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक बेन्डिंग-मल्टी लोड सेल टाइप) है। इसकी अधिकतम क्षमता 60 टन है और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यक्तिनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम।

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले के राइट साइड/बैक साइड में सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लैट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी साप्रगी से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 5 टन से 200 टन तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

New Delhi, the 10th August, 2011

S.O. 2769.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Electronic Weighbridge-Multi Load Cell Type) with digital indication of Medium Accuracy (Accuracy Class-III) of Series "L33-WB" and with brand name "TECHNO WEIGH" (hereinafter referred to as the said model), manufactured by M/s. Techno Systems, No. 7-26-138, Saradanagar, Safilguda, Malkajgiri (Post), Secunderabad-500047 and which is assigned the approval mark IND/09/11/79;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Weighbridge-Multi Load Cell Type) with a maximum capacity of 60 tonne and minimum capacity of 400 kg. The verification scale interval (e) is 20kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

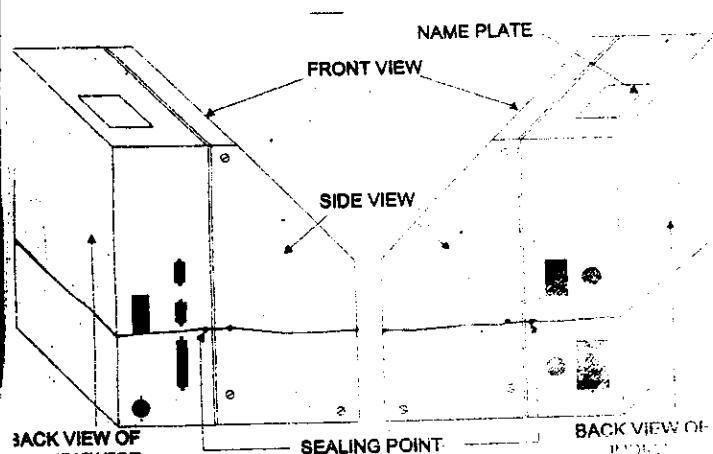


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the right side/back side of the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

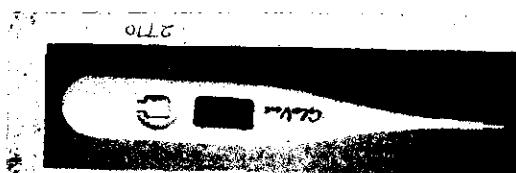
Further, in exercise of the power conferred by sub-section (12) of section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5tonne and up to 200tonne with verification scale interval (n) in the range of 500 to 10,000 for ' e ' value of 5g. or above and with ' e ' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2770.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स हंगङ्गउ सिजोय इलैक्ट्रोनिक्स एंड इंस्ट्रुमेंट कं. लि., बिल्डिंग 2, नं. 202, झेनझोंग रोड वेस्ट लेक इन्नोमो एंड टैकनोलोजी जोन, होंगझोउ चाइना द्वारा विनिर्भात यथार्थता वर्ग-II वाले 'एस 1006' शृंखला के अधिकतम डिवाइस अंकक सूचन सहित, किलोकल थर्मामीटर के साथ, जिसके ब्राण्ड का नाम "जीएलओवीयूई" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे मैसर्स श्री जय दुर्ग इम्पोर्ट (प्रा) लि., 204, हरी सदन, दूसरा तला, 20, अंसारी रोड, दरिया गंज, नयी दिल्ली-110022 द्वारा बिक्री से पहले या बाद में बिना किसी परिवर्तन के भारत में आयात किया गया और जिसे अनुमोदन चिह्न आई एन डी/09/11/159 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

आकृति-1



उक्त मॉडल हार्ड टिप टाइप किलोकल इलेक्ट्रोकल थर्मामीटर है जो अधिकतम डिवाइस, एल सी डी (लिकिवड क्रिस्टल डायोड) टाइप अंकक सूचन सहित मापमान रेंज 32°C से 42°C में है और जिसका न्यूनतम स्केल अंतराल 0.1°C है। यह 1.5 वी डीसी बैटरी से परिचालित होता है।

[फा. सं. डब्ल्यू एम-21(33)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2770.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Clinical Electrical Thermometer with Maximum Device with digital indication of Accuracy Class-II of Series "S 1006" and with brand name "GLOVUE" (hereinafter referred to as the said model), manufactured by M/s. Hangzhou Sejoy Electronics & Instruments Co. Ltd., Building 2, No. 201, Zhenzhong Road, West Lake Economy & Technology Zone, Hangzhou, China and Imported in India without any alteration before or after sale by M/s. Shri Jai Durge Import (P) Ltd., 204, Hari Sadan, IIInd Floor, 20, Ansari Road, Darya Ganj, New Delhi-110002 and which is assigned the approval mark IND/09/11/159;

Figure-1



The said model is a hard tip type Clinical Electrical Thermometer with Maximum Device, having measurement range of 32°C to 42°C with digital indication of LCD (Liquid Crystal Display) type and the smallest scale interval is 0.1°C. It operates on 1.5 V DC battery.

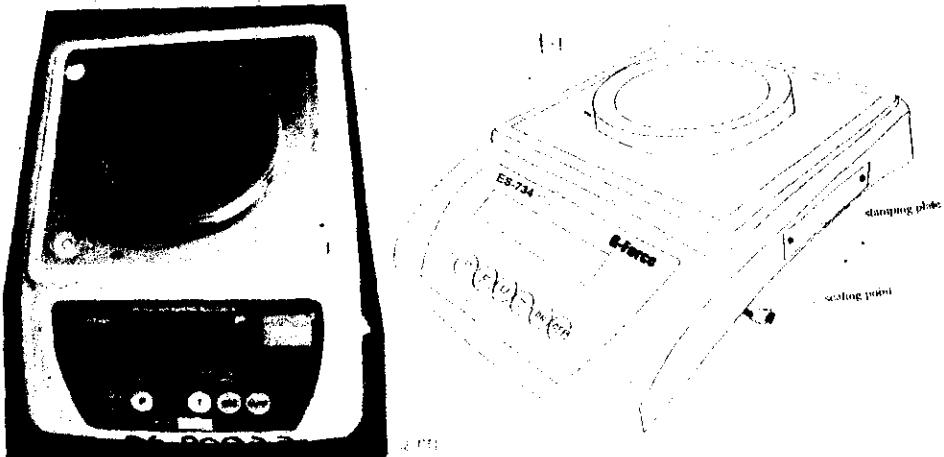
[E. No. WM-21(33)/2011]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2771.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में बर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुकूल हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्सल इक्यूपर्मेंट्स एंड सिस्टम्स, नं. 12, 4th स्ट्रीट एक्सटेंशन, गांधीपुरम घोस्ट, कोयम्बतूर-641012 तमिलनाडु द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ईएस-734" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "जी-फोर्स" है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/244 समनुरेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल अधारित अस्वचालित तोलन उपकरण (टेबल टाप टाइप) है। जिसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवहारलाभक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपर्युक्त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रात्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त विषय यथा है।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है। बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप लिफ्ट भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सांख्य्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यकाल के तोतक उपकरण भी होंगे जो। मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(144)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2771.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section 22 of the Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy (accuracy class-II) of series "ES-734" and with brand name "G-Force" (hereinafter referred to as the said model), manufactured by M/s. Excel Equipments & Systems, No. 12, 4th Street Extn., Gandhipuram-Post, Coimbatore-641012, Tamil Nadu and which is assigned the approval mark IND/09/11/244;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type) with a maximum capacity of 300g and minimum capacity of 200mg. The verification scale interval (*e*) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50Hertz alternative current power supply.

Figure-1

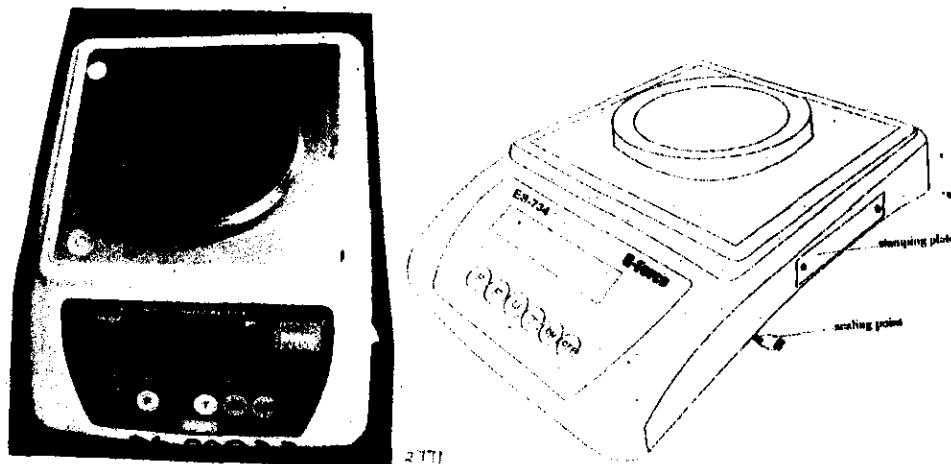


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate & top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

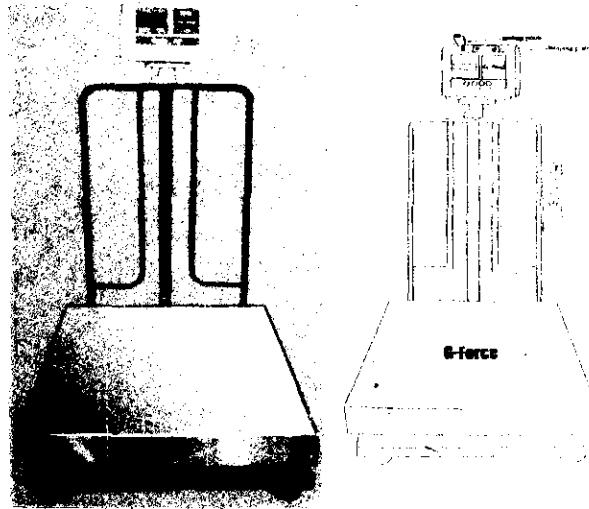
Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (*n*) in the range of 100 to 100,000 for 'c' value of 1mg to 50mg and with verification scale interval (*n*) in the range of 5000 to 100,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2772.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009(2010 का 1) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का 1) की धारा 22 द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एक्सल इक्यूपर्मेंट्स एंड सिस्टम्स, नं. 12, 4th स्ट्रीट एक्स्टेंशन, गांधीपुरम पोस्ट, कोयम्बतूर-641012 तमிலनாடு द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “ईएस-716” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ग्राण्ड का नाम “जी-फोर्स” है, (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/245 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपरोक्त करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रात्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग बायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(144)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2772.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section 22 of the Legal Metrology Act 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform Type) with digital indication of high accuracy (accuracy class-II) of series "ES-716" and with brand name "G-Force" (hereinafter referred to as the said model), manufactured by M/s. Excel Equipments & Systems No. 12, 4th Street Extn., Gandhipuram-Post, Coimbatore-641012, Tamil Nadu and which is assigned the approval mark IND/09/11/245;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Plate form Type) with a maximum capacity of 600kg. and minimum capacity of 2.5kg. The verification scale interval (e) is 50g.. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

Figure-1

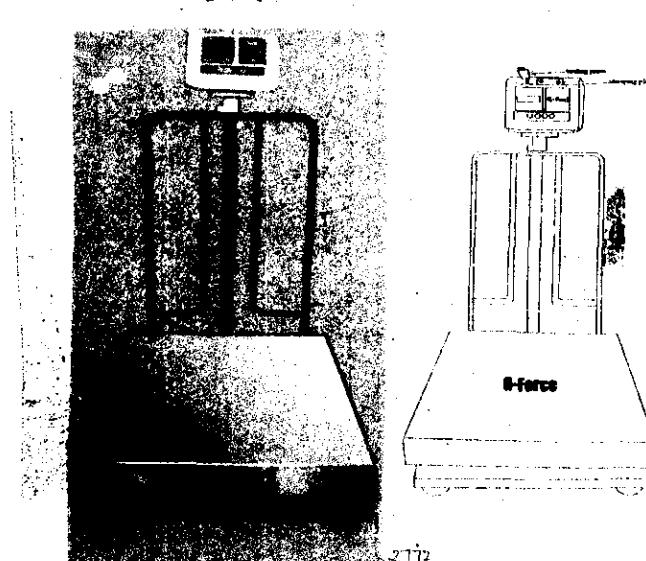


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity from 50kg and up to 5000kg with verification scale interval (n) in the range of 5000 to 100,000 for 'e' value of 100mg or more and with 'c' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

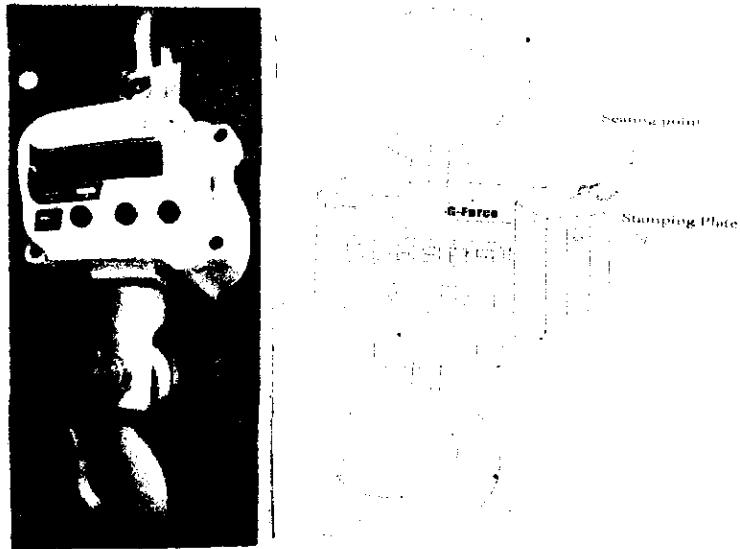
नई दिल्ली, 10 अगस्त, 2011

का.आ. 2773.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) विधिक माप विज्ञान अधिनियम, 2009 (2010 का।) तथा विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (6) और नियम 11 के उप-नियम (4) के साथ पठित विधिक माप विज्ञान अधिनियम, 2009 (2010 का।) की धारा 22 द्वारा शक्तियों को प्रयोग करते हुए मैसर्स एक्सल इक्यूपरमेंट्स एंड सिस्टम्स, नं. 12, 4th स्ट्रीट एक्सटेंशन, गांधीपुरम पोस्ट, कोयम्बतूर-641012, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “ईएस-725” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैंगिंग वेइंग मशीन) के मॉडल का, जिसके ब्राण्ड का नाम “जी-फोर्स” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/246 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (हैंगिंग वेइंग मशीन) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ड्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति-।



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टॉप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रशुल्पी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कोलिब्रेशन तक पहुंच की सुविधा है। बाहरी कोलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार विधिक माप विज्ञान (मॉडलों का अनुमोदन) नियम, 2011 के नियम 8 के उप-नियम (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूणिक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(144)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2773.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Legal Metrology Act, 2009 (1 of 2010) and the Legal Metrology (Approval of Models) Rules, 2011 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Section 22 of Legal Metrology Act, 2009 (1 of 2010) read with sub-rule (6) of rule 8 and sub-rule (4) of rule 11 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Hanging Weighing Machine) with digital indication of medium accuracy (Accuracy class-III) of series "ES-725" and with brand name "G-Force" (hereinafter referred to as the said model), manufactured by M/s. Excel Equipments and Systems, No. 12, 4th Street Extn., Gandhipuram-Post, Coimbatore-641012, Tamil Nadu and which is assigned the approval mark IND/09/11/246;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Hanging Weighing Machine) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

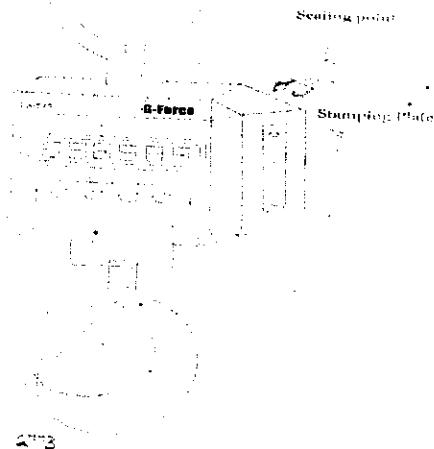
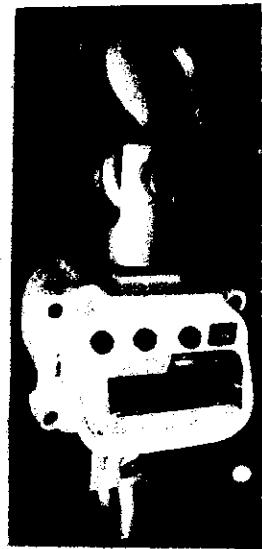


Figure-2—Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-rule (9) of rule 8 of the Legal Metrology (Approval of Models) Rules, 2011, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with capacity from 50 kg. and up to 5000 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

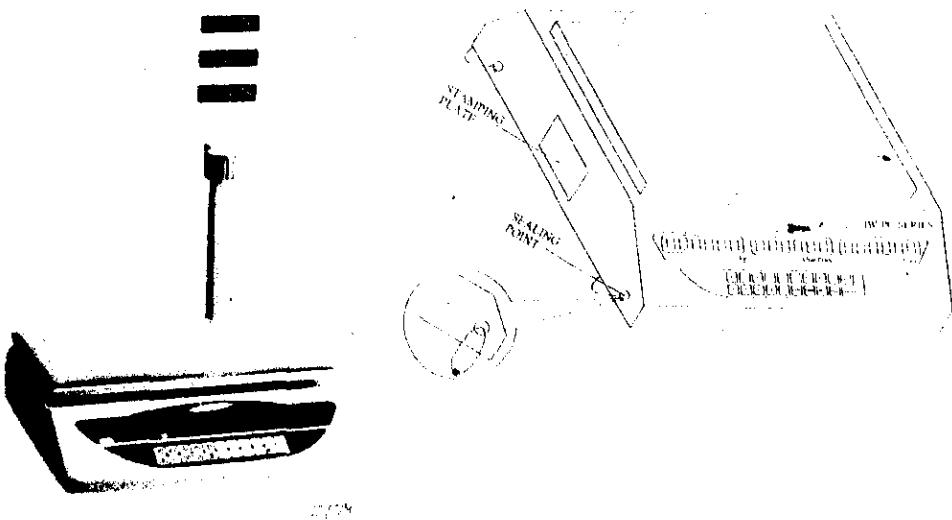
का.आ. 2774.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इंडस वेइंग सिस्टम प्रा. लि., 14/10-एफ, सितरा, कल्पटटी रोड, कल्पटटी-पोस्ट, कोयम्बतूर-641048 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग III) वाले 'आईडब्ल्यू-पीसी' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्रांड का नाम "इंडस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/162 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार प्राइस कम्प्युटिंग एंड पीस कार्डिंग सुविधा सहित) है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शात प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन यरिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

INDUS WEIGHING SYSTEMS PVT.LTD.

IW-PC Series



आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग बायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले की बेस प्लेट और टाप कवर में बने दो छेदों से से सीलिंग बायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्लिच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(78)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2774.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of Medium Accuracy (Accuracy class-III) of series "IW-PC" and with brand name "INDUS" (hereinafter referred to as the said model), manufactured by M/s. Indus Weighing Systems Pvt. Ltd., #14/10-F, Sitra-Kalapatty Road, Kalapatty-Post, Coimbatore-641048 and which is assigned the approval mark IND/09/11/162;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table Top Type-with Price Computing and Piece Counting facility) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (*e*) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

INDUS WEIGHING SYSTEMS PVT.LTD.
IW - PC Series

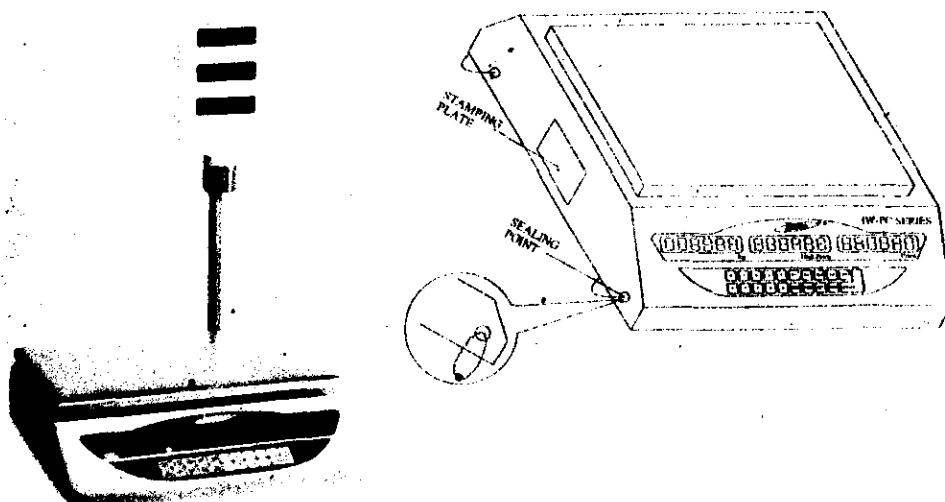


Figure-2—Schematic diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (*n*) in the range of 100 to 10,000 for '*e*' value of 100mg. to 2g. and with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5g. or more and with '*e*' value of 1×10^k , 2×10^k , or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

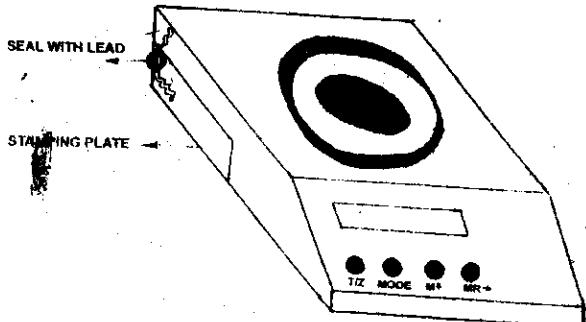
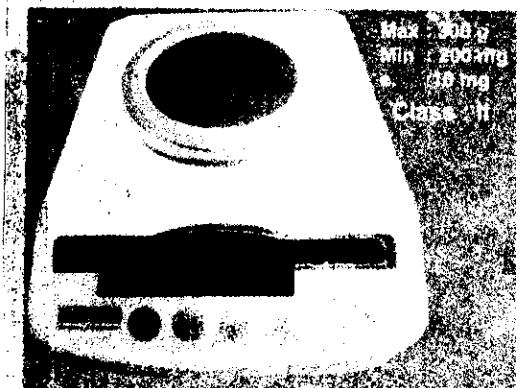
[F. No. WM-21/(78)/2011]
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2775.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स वेंट्रेक, प्लॉट नं. 312, बोमीखाल, भुवनेश्वर-751010 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "डब्ल्यूटो" शृंखला के अंक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप टाइप) के मॉडल का, जिसके ब्राण्ड का नाम "ग्लोबल" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/130 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) है। इसकी अधिकतम क्षमता 300 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 10 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्दिशि त करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



2775

आकृति-2—मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की आड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले की बेस प्लेट और टाप कवर में बने हो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 100,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता है और "ई" मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(60)/2011]

बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2775.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop type) with digital indication of High Accuracy (Accuracy class-II) of series "WT" and with brand name "GLOBAL" (hereinafter referred to as the said model), manufactured by M/s. Weighttrack, Plot No. 312, Bomikhali, Bhubaneswar-751010 and which is assigned the approval mark IND/09/11/130;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 300 g. and minimum capacity of 200mg. The verification scale interval (*e*) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

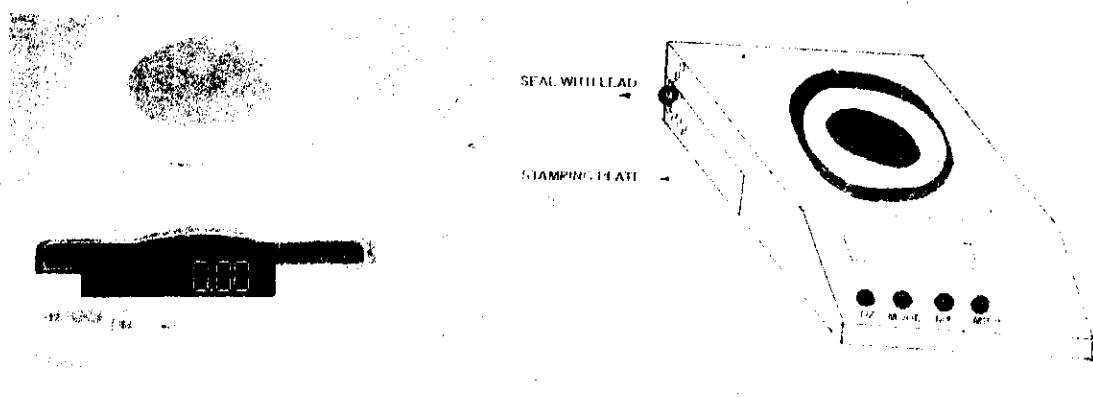


Figure-2 Schematic Diagram of sealing provision of the model.

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, than seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy, performance and same series with maximum capacity up to 50kg. with verification scale interval (*n*) in the range of 100 to 100,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (*n*) in the range of 5000 to 100,000 for 'e' value of 100mg. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

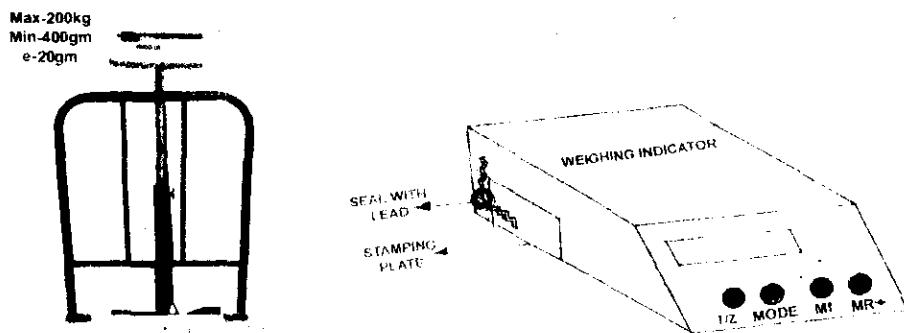
नई दिल्ली, 10 अगस्त, 2011

का.आ. 2776.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स बेट्रेक, प्लाट नं. 312, बोमीखाल, भुवनेश्वर-751010 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यूटीपी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “ग्लोबल” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/131 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म टाइप) है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वाल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति 1



आकृति 2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाढ़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले की बेस प्लेट और टॉप कवर में वने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलिंग करने के उपबंध का एक प्रूफपी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमंदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के बैस ही मेंक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500×10^6 से $10,000$ तक की रेंज में सत्यापन मापमान अन्तराल (एन) सहित 50 कि.ग्रा. से 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 , 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम 21(60)/2011]
वी.एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2776.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication, of Medium Accuracy (Accuracy Class-III) of series "WTP" and with brand name "GLOBAL" (hereinafter referred to as the said model), manufactured by M/s. Weighttrack, Plot No. 312, Bomikhal, Bhubaneswar-751010 and which is assigned the approval mark IND/09/11/131;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200 kg. and minimum capacity of 400g. The verification scale interval (*e*) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1

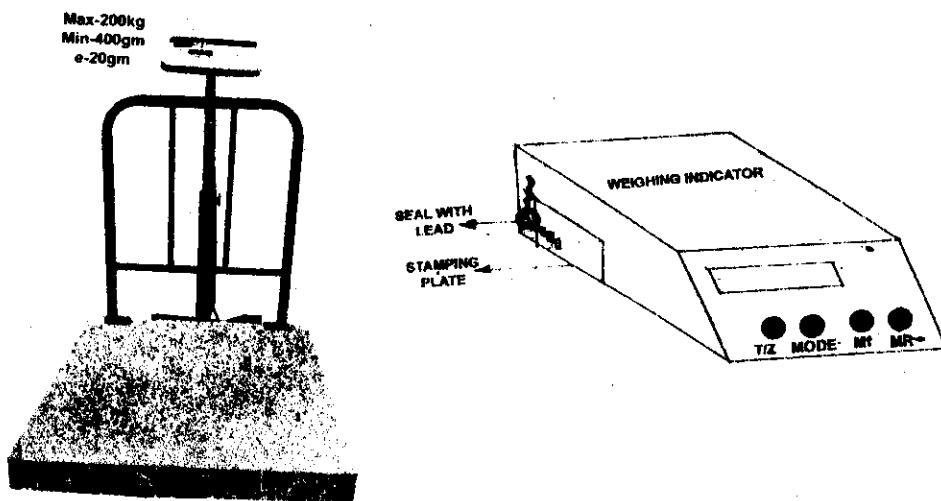


Figure-2 Schematic diagram of sealing provision of the model

Sealing is done on the display by passing sealing wire from the body of the display. The seal is connected by whole in base plate and top cover of display, then seal wire is passed through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

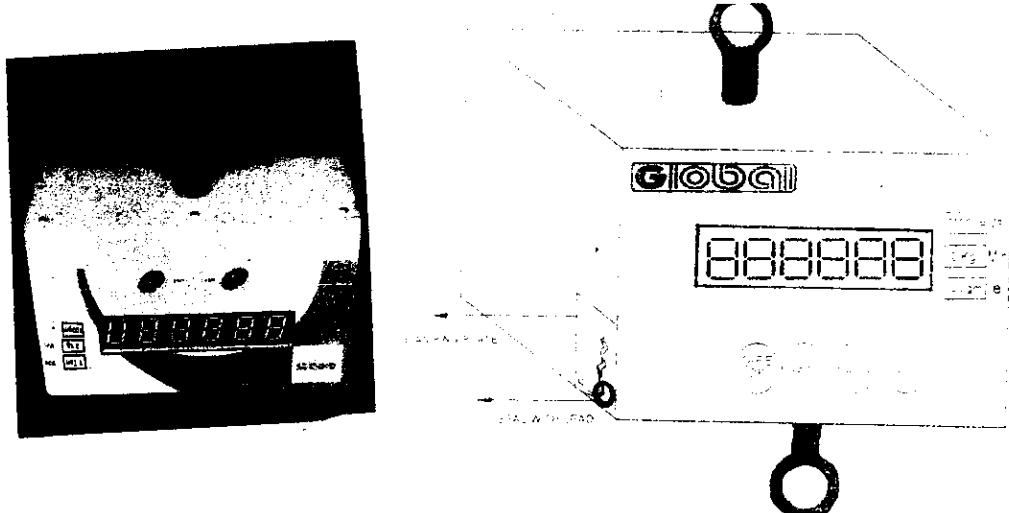
Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance and the same series with maximum capacity above 50 kg. and up to 5000 kg. with verification scale interval (*n*) in the range of 500 to 10,000 for '*e*' value of 5 g. or more and with '*e*' value of 1×10^k , 2×10^k or 5×10^k , where *k* is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2777.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वेट्रेक, प्लाट नं. 312, बोमीखाल, भुवनेश्वर-751010 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “डब्ल्यूटीसी” शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (क्रेन टाइप) के मॉडल का, जिसके ब्राण्ड का नाम “ग्लोबल” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/10/132 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (क्रेन टाइप) है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपर्दर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



आकृति-2 मॉडल को सीलिंग करने का योजनाबद्ध डायग्राम

डिस्प्ले की बाड़ी में से सीलिंग वायर निकाल कर डिस्प्ले पर सीलिंग की जाती है। सील के साथ जुड़े हुए डिस्प्ले के बेस प्लेट और टाप कवर में बने दो छेदों में से सीलिंग वायर निकाल कर सील से जोड़ा गया है। मॉडल को सीलबंद करने के उपबंध का एक प्रूफी योजनाबद्ध डायग्राम उपरोक्त दिया गया है।

उपकरण में बाहरी कलिब्रेशन तक पहुंच की सुविधा है। बाहरी कलिब्रेशन तक पहुंच को रोकने के लिए ए/डी कार्ड मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिसमें उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 5 टन से 30 टन तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू. एम. 21(60)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2777.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Crane Type) with digital indication of medium Accuracy (Accuracy class -III) of series "WTC" and with brand name "GLOBAL" (hereinafter referred to as the said model), manufactured by M/s. Weightrack, Plot No. 312, Bomikhal, Bhubaneswar-751010 and which is assigned the approval mark IND/09/10/132;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Crane Type) with a maximum capacity of 1000 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

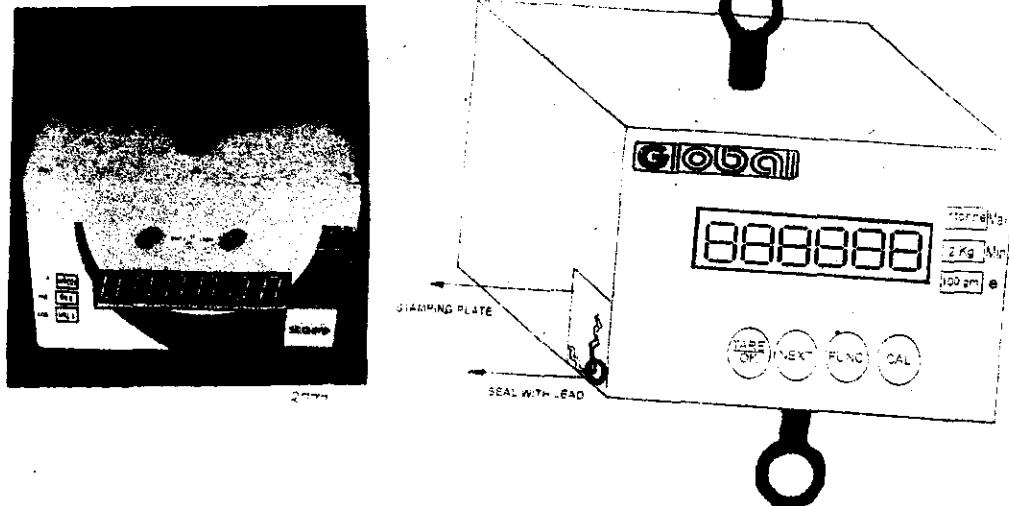


Figure-2 Sealing arrangement

Sealing is done on the right side/left side of the display by passing sealing wire from the body of the display. The seal is connected by seal wire passing through these two holes attached with seal. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/I card/mother board to disable access to external calibration.

The Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 30 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

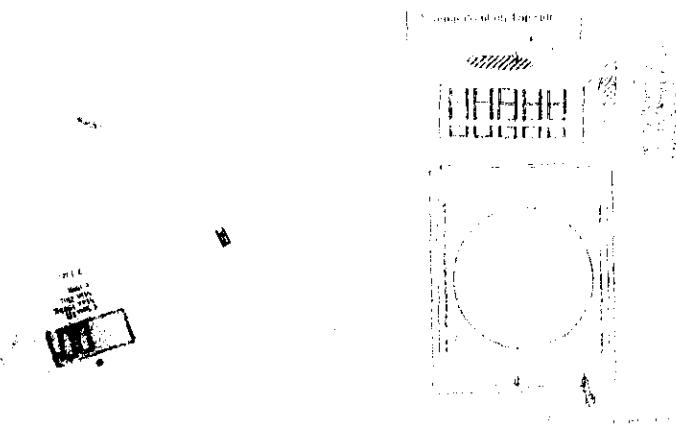
नई दिल्ली, 10 अगस्त, 2011

का.आ. 2778.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रुमेंट्स प्रा. लि., डब्ल्यू-345, टी टी सी इंडस्ट्रियल एरिया, राबेल एम आई डी सी, नवी मुंबई-400070। द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले अस्वचालित अंकक सूचन सहित तोलन उपकरण (इलेक्ट्रॉनिक व्यक्ति तोलन मशीन) “पीडब्ल्यूई-3” शृंखला के मॉडल का, जिसके ब्राण्ड का नाम “एल्डर” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिस अनुमोदन चिह्न आई एन डी/09/11/17 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी करती है।

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (इलेक्ट्रॉनिक व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ँ) 100 ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वाल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

आकृति ।



आकृति 2 उपकरण के मॉडल का सीलिंग प्रावधान

स्केल की बाटम साइड में बनाए गए छेद में से सीलिंग बायर निकाल कर सीलिंग की जाती है। स्टाम्पिंग के लिए स्केल की बाढ़ी में लीड सील के साथ सीलिंग बायर निकाल कर स्टाम्पिंग प्लेट को जोड़ा गया है। मॉडल को सीलिंग करने के उपबंध का एक प्ररूपी योजनाबद्ध डायग्राम उपर दिया गया है।

उपकरण में बाहरी केलिब्रेशन तक पहुंच की सुविधा है। बाहरी केलिब्रेशन तक पहुंच को गंकने के लिए ए/डी कार्ड/मदर बोर्ड में डिप स्विच भी दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्भात द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी मापदण्ड से उक्त अनुमोदित मॉडल का विनिर्भात किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अन्तराल (एन) महित 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 और 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक या शृंखला के समतुल्य हैं।

| फा. सं. डब्ल्यू. एम 21(02)/2011 |
न्री. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2778.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves and issues the certificate of approval of the model of non-automatic weighing instrument (Electronic Person Weighing Machine) with digital indication of Medium Accuracy (Accuracy class -III) of series "PWE3" and with brand name "ELDER" (hereinafter referred to as the said model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, T.T.C. Industrial Area, Rabale M.I.D.C. Navi Mumbai-400701 and which is assigned the approval mark IND/09/11/17;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Electronic Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) Display indicates the weighing results. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

Figure-1 Model

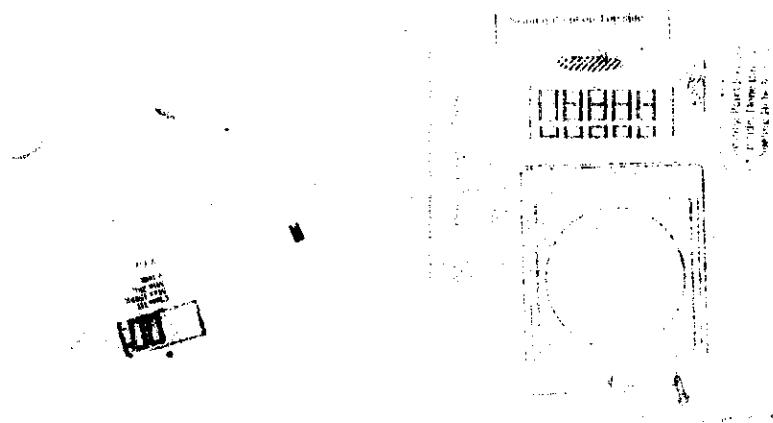


Figure-2 Sealing diagram of the sealing provision of the model

Sealing is done through the hole, made in the bottom side of the scale, and then sealing wire is passed through these holes. Stamping plate is connected through sealing wire passing from the body of the scale with lead seal, to get the stamping. A typical schematic diagram of sealing provision of the model is given above.

The instrument has external control to calibration. A dip switch has also been provided in A/D card/mother board to disable access to external calibration.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 300 kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

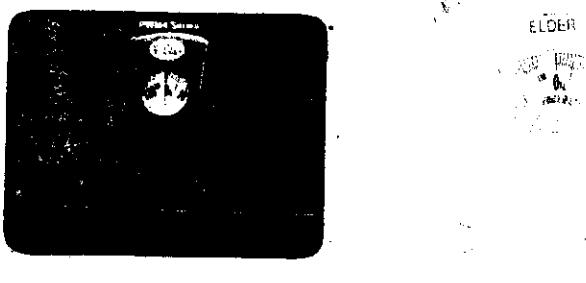
| I.No.WM-21(02)/2010 |
B. N. DIXIT, Director of Legal Metrology

नई दिल्ली, 10 अगस्त, 2011

का.आ. 2779.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इंस्ट्रमेंट्स प्रा. लि., डब्ल्यू-345, टी टी सी इंडस्ट्रियल एरिया, राबेल एम आई डी सी, नवी मुंबई-400701 द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-IV) वाले “पीडब्ल्यूएम 4” शृंखला के अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्राण्ड का नाम “एल्डर” है (जिसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/11/18 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी करती है।

उक्त मॉडल स्प्रिंग सिद्धांत पर आधारित मैकेनिकल अस्वचालित तोलन उपकरण (मैकेनिकल व्यक्ति तोलन मशीन) है। इसकी अधिकतम क्षमता 150 कि.ग्रा. है और न्यूनतम क्षमता 5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 500 ग्रा. है।



आकृति-2—मॉडल के सीलिंग प्रावधान का डायग्राम।

उपकरण की बाढ़ी पर दिए गए छेदों के माध्यम से लीड और सील तार लगाकर सीलिंग की जाती है। कपटपूर्ण उपयोग को रोकने के लिए मशीन को खोले जाने से रोकने के लिए सील लगाई जाती है। मॉडल के सीलिंग प्रावधान का स्कीमवार डायग्राम ऊपर दिया गया है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक “ई” मान के लिए 100 से 1000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 और 5×10^4 के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(02)/2011]
बी. एन. दीक्षित, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th August, 2011

S.O. 2779.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Mechanical Person Weighing Machine) of Ordinary Accuracy (Accuracy class -III) of series "PWM4" and with brand name "ELDER" (hereinafter referred to as the said model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, T. T. C. Industrial Area, Rabale M. I. D. C., Navi Mumbai-400701 and which is assigned the approval mark IND/09/11/18;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Mechanical Person Weighing Machine) with a maximum capacity of 150 kg. and minimum capacity of 5 kg. The verification scale interval (e) is 500g.



Figure-2—Sealing diagram of the sealing provision of the model.

Sealing can be done by applying lead & seal wire through the holes provided on the body of the instruments. Sealing shall be done to prevent opening of the weighing machine for fraudulent practice. A typical schematic diagram of sealing provision of the model is given above.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 300 kg. with verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g. or more and with 'e' value of 1×10^k , 2×10^k , or 5×10^k , where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

(भारतीय मानक व्यूरो)

नई दिल्ली, 22 सितम्बर, 2011

का.आ. 2780.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिया गया हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों)	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
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(1)	(2)	(3)	(4)
1.	आई एस 13450 (भाग 2/अनुभाग 24) : 2009/ आई ई सी 60601-2-24:1998 चिकित्सीय विद्युत उपस्कर भाग 2 सुरक्षा के लिए विशिष्ट अपेक्षाएं अनुभाग 24 इफ्यूजन पम्प और नियंत्रण	—	दिसम्बर, 2009
2.	आई एस 13450 (भाग 2/अनुभाग 49) : 2009/ आई ई सी 60601-2-49: 2001 चिकित्सीय विद्युत उपस्कर भाग 2 सुरक्षा के लिए विशिष्ट अपेक्षाएं अनुभाग 49 बहुप्रकार्यत्विक मरीज निरीक्षण उपस्कर आई एस 13450 (भाग 1/अनुभाग 4) : 2009/ आई ई सी 60601-1-4:1996 चिकित्सीय विद्युत उपस्कर भाग 1 सुरक्षा के लिए सामान्य अपेक्षाएं अनुभाग 4 समान्तर मानक : प्रोग्रामन विद्युत चिकित्सीय पद्धतियाँ	—	अक्टूबर, 2009
		—	अक्टूबर, 2009

इन मानकों की प्रतियाँ भारतीय मानक व्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एम एच डी /जी 3:5]

राकेश कुमार, वैज्ञानिक 'एफ' एवं प्रमुख (एम एच डी)

(Bureau of Indian Standards)

New Delhi, the 22nd September, 2011

S. O. 2780.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and Year of the Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 13450(Part 2/Sec 24) : 2009/ IEC 60601-2-24:1998 Medical	—	December, 2009

(1)	(2)	(3)	(4)
	Electrical equipment Part 2 Particular requirements for the safety Section 24 Infusion pumps and controllers	—	October, 2009
2.	IS 13450(Part 2/Sec 49) : 2009/ IEC 60601-2-49: 2001 Medical Electrical equipment Part 2 Particular equipments for the safety Section 49 Multifunction Patient Monitoring Equipment	—	October, 2009
3.	IS 13450(Part 1/Sec 4) : 2009/ IEC 60601-1-4:1996 Medical Electrical equipment Part 1 General requirements for the safety Section 4 Collateral Standard : Programmable Electrical medical Systems	—	October, 2009

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: MHD/G-3:5]

RAKESH KUMAR, Scientist 'F' & Head (MHD)

नई दिल्ली, 27 सितम्बर, 2011

का.आ. 2781.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतदद्वाग्र अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है वह स्थापित हो गया है :

अनुसूची

क्रम सं.	स्थापित भारतीय मानक (कों) की मरम्मा, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)

1.	आई एस 2026 (भाग 3) : 2009 पॉवर ट्रांसफार्मर भाग 3 गेम्बा स्तर पर विद्युत परीक्षण तथा वायु में व्याहरी मुक्तांतर (तीसरा परीक्षण)	27 सितम्बर, 2011
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इस भारतीय मानक को एक प्रति भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली 110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्ण तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

| संदर्भ : ईटी 16/टी 20 |
आर. के. त्रेहन, वैज्ञानिक 'ई' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 27th August, 2011

S. O. 2781.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which is given in the Schedule hereto annexed have been established on the date indicated against each :—

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and Year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2026 (Part 3) : 2009 Power Transformers : Part 3 : Insulation levels, dielectric tests and external clearances in air (<i>Third Revision</i>)	—	27 September, 2011

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bengaluru, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune and Thiruvananthapuram.

[Ref: ET 16/I-20]

R. K. TREHAN, Scientist 'E' & Head (Electro-technical)

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2782.—भारतीय मानक व्यूरो नियम, 1987 के नियम 7 के उप-नियम (1) के खंड (ख) के अनुसरण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया /किये गये हैं :

अनुसूची

क्रम सं.	संशोधित भारतीय मानक की संख्या, वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 7347 : 1974 कृषि संबंधी पानी पम्पों, फूहारकों, टिलरों, रीपरों एवं अन्य समान अनुप्रयोगों के लिए छोटे आकार के स्पार्क प्रज्वलन इंजनों की कार्यकारिता की विशिष्टि	संशोधन संख्या 3, सितम्बर 2011	तत्काल प्रभाव से

इस संशोधन की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली 110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलुरु, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूर्णे, परवाणु देहरादून तथा तिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

| संदर्भ : टी ई डी/जी 16 |
टी. वी. सिंह, वैज्ञानिक 'एफ' एवं प्रमुख (टी ई डी)

New Delhi, the 28th September, 2011

S. O. 2782.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. year & title of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 7347 : 1974 Specification for performance of small size spark ignition engines for agricultural water pumps, sprayers; tillers, reapers and other similar applications	Amendment No. 3 Sep. 2011	With immediate effect

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and its Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Parwanoo, Dehradun and Thiruvananthapuram.

[Ref: TED/G-16]

T. V. SINGH, Scientist 'F' & Head (Transport Engg.)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2783.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2959 दिनांक 25 नवम्बर, 2010 भारत के राजपत्र दिनांक 4 दिसम्बर, 2010 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 8280 गांव सूरजपुरा, पंक्ति संख्या 45, कॉलम संख्या 3 में “6848/1” के स्थान पर “6848” पढ़ा जाये।

[सं. आर-25011/45/2010-ओआर-I]

बी. के. दत्ता, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 28th September, 2011

S.O. 2783.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India, Ministry of Petroleum and Natural Gas published vide S.O. 2959 dated 25th November, 2010 published in the Gazette of India dated 4 December, 2010 as under, namely :

In the schedule at page no. 8282 against Village Surajpura, in 59th line, column no. 3 in place “6848/1” the figure “6848” shall be substituted.

[No. R.-25011/45/2010-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2784.—केन्द्रीय सरकार ने पेट्रोलियम और प्राकृतिक गैस मंत्रालय के का. आ. 2184 दिनांक 20-8-10 और संशोधन का. आ. 1529 दिनांक 25-5-11, द्वारा पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे उसके पश्चात् उक्त अधिनियम कहा जायेगा) की धारा 3(1) के अधीन अधिसूचना प्रकाशित कर, रमन मंडी (पंजाब राज्य में) से बहादुरगढ़ (हरियाणा राज्य में) तक, पेट्रोलियम उत्पाद के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा “जी जी एस आर

उत्पाद निष्कर्मण परियोजना रमन मंडी से बहादुरगढ़ पेट्रोलियम पाइपलाईन" के सम्बन्ध में उक्त अधिसूचना से संलग्न अनुसूची में निर्दिष्ट तहसील महम, जिला रोहतक, राज्य हरियाणा की भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और, उक्त अधिसूचना की प्रतियां जनता को दिनांक 19-7-2011 को उपलब्ध करा दी गई थीं;

और, उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से उपाबद्ध अनुसूची में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये घोषणा करती है कि इस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट भूमि में पाइपलाईन बिछाने के उपयोग का अधिकार अर्जित किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय सभी विलंगमों से मुक्त होकर हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : महम			जिला: रोहतक			राज्य: हरियाणा		
क्रम सं.	गाँव का नाम	हटबरस्त संख्या	मुस्तातिल संख्या	खसरा/ किला संख्या	हेक्टेयर	क्षेत्रफल एयर	वर्गमीटर	
1	2	3	4	5	6	7	8	
1	गूगाहेडी	111	75	3	00	03	54	
				6	00	03	54	
				7	00	02	53	
2	खरेन्ती	96	27	24	00	00	25	
			43	2	00	01	26	
3	चान्दी	93	223	16	00	01	77	
				25/2	00	09	36	

[फा. सं. आर. 31015/6/2009-ओआर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 28th September, 2011

S. O. 2784.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India vide number S.O. 2184 dated the 20th August, 2010 and in subsequently amended vide S.O. 1529 dated the 25th May, 2011, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to this notification for the purpose of laying pipeline for the transportation of Petroleum Products from Raman Mandi in the State of Punjab to Bahadurgarh in the State of Haryana by the Hindustan Petroleum Corporation Limited for implementing the "GGSR Products Evacuation Project pipeline from Raman Mandi to Bahadurgarh" in Tehsil Maham, District Rohtak, in Haryana State;

And whereas, copies of the said gazette notification were made available to the public on 19-07-2011;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act, has submitted his report to the Central Government;

And whereas, the Central Government after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is acquired;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of users in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Tehsil : MAHAM		District: ROHTAK				State: HARYANA		
S. No.	Name of Village	Hadbast No.	Mustatil No.	Khasra/ Killa No.	Hectare	Area Are	Area Square Metre	
1	2	3	4	5	6	7	8	
1	Gugaheri	111	75	3 6 7	00 00 00	03 03 02	54 54 53	
2	Khreanti	96	27 43	24 2	00 00	00 01	25 26	
3	Chandi	93	223	16	00	01	77	
				25/2	00	09	36	

[F. No. R.-31015/6/2009 -OR-II]

A. GOSWAMI, Under Secy.

संशोधन

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2785.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार के पेट्रोलियम और प्राकृतिक गैस भंगालय की अधिसूचना संख्या का. आ. 290, दिनांक 19 जनवरी, 2011, भारत के राजपत्र दिनांक 29 जनवरी 2011 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 822 गांव ठीकराना मेन्द्रातोन, पंक्ति संख्या 25, कॉलम संख्या 4 में 02 के स्थान पर 00 पढ़ा जाये।

पृष्ठ संख्या 823 गांव गढ़ी थोरियान, पंक्ति संख्या 40, कॉलम संख्या 3 में 635 (सा.नि.वि.) के स्थान पर 653 (सा.नि.वि.) पढ़ा जाये।

पृष्ठ संख्या 823 गांव लसाडिया, पंक्ति संख्या 70, कॉलम संख्या 5 में 03 के स्थान पर 01 पढ़ा जाये।

पृष्ठ संख्या 825 गांव लाखीना, पंक्ति संख्या 32, कॉलम संख्या 5 में 07 के स्थान पर 00 एवम् कॉलम संख्या 6 में 60 के स्थान पर 40 पढ़ा जाये।

[स. आर.-25011/3/2011-ओ.आर.-I]

बी. के. दत्ता, अवर सचिव

AMENDMENT

New Delhi, the 28th September, 2011

S. O. 2785.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. No. 290 dated 19 January, 2011 published in the Gazette of India dated 29 January, 2011, as under, namely;

In the schedule—

at page no. 826 against Village Badiya Shyama, in 5th line, column no. 5 in place "03" the figure "00" shall be substituted.

at page no. 826 against Village Badiya Shyama, in 26th line, column no. 3 in place "351" the figure "350" shall be substituted.

at page no. 826 against Village Badiya Shyama, in 41st line, column no. 6 in place "09" the figure "90" shall be substituted.

at page no. 826 against Village Thikrana Mendratan, in 65th line, below Khasra No. 640 - 00 - 07 - 50 Khasra No. 639 - 00 - 04 - 40 shall be inserted.

at page no. 830 against Village Lakheena, in 21st line, column no. 5 in place "07" the figure "00" shall be substituted.

at page no. 830 against Village Lakheena, in 44th line, column no. 5 in place "03" the figure "00" shall be substituted.

at page no. 830 against Village Lakheena, in 50th line, column no. 2 in place "Cabheena" the figure "Lakheena" shall be substituted.

at page no. 830 against Village Lakheena, in 35th line, column no. 3, 4, 5 & 6 will be deleted.

[No. R.-25011/3/2011-OR-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2786.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में सलाया से उत्तर प्रदेश राज्य में मधुरा तक पेट्रोलियम क्रूड के परिवहन के लिए “सलाया-मधुरा पाइपलाइन के अन्तर्गत डी-बॉटलनेकिंग परियोजना” के कार्यान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उक्त भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ जनसाधारण को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, उसमें उपयोग के अधिकार का अर्जन करने या भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में श्री भीम सिंह, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइन्स प्रभाग), निर्याण कार्यालय, प्लाट नं. 38-39, एसडीसी विनय ब्लॉक द्वितीय, चौथा तल, मौजी कॉलोनी, मालवीय नगर, जयपुर, राजस्थान-302017 को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील-रायपुर	जिला-पाली	राज्य-राजस्थान	क्षेत्रफल		
क्रम गांव का नाम	खसरा संख्या		हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
1. सबलपुरा	383 (सरकारी भूमि)	00	11	80	
	385	00	13	50	
	388	00	17	60	
	389	00	09	50	
	407 (सरकारी भूमि)	00	06	60	
	408 (सरकारी भूमि)	00	27	40	
	410	00	12	70	
	413	00	20	00	
	414	00	27	20	
	415	00	12	80	

(1)	(2)	(3)	(4)	(5)	(6)
सबलपुरा	498 (सरकारी भूमि)	00	03	80	
	439	00	14	70	
	438	00	12	30	
	437	00	13	60	
	436	00	01	60	
	427	00	06	50	
	428	00	12	00	
	429	00	03	80	
	424	00	08	20	
	423	00	04	50	
	421	00	07	80	
	422	00	00	30	
	418	00	00	60	
	417	00	01	50	
	324 (सरकारी भूमि)	00	01	30	
	311	00	03	60	
	309	00	04	50	
	306	00	08	50	
	304	00	00	20	
	305	00	08	90	
	299	00	00	20	
	301	00	07	50	
	300	00	00	20	
	284 (सरकारी भूमि)	00	01	20	
	275	00	06	00	
	273 (सरकारी भूमि)	00	01	20	
	278 (सरकारी भूमि)	00	00	20	
	272 (सरकारी भूमि)	00	00	20	
	253	00	14	70	
	254	00	04	70	
	255	00	00	20	
	246	00	16	20	
	245	00	13	00	
	244	00	05	70	
	243	00	04	80	
	237	00	19	40	
	238	00	04	10	
	239	00	14	10	

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)	
		सबलपुरा	236	00	07	30		रायपुर-II	2373	00	11	80
			235	00	06	70		2372	00	04	50	
2.	चांडिया	14	00	08	30			2375 (सरकारी भूमि)	00	03	50	
	खुर्द							2376	00	00	70	
		10	00	09	80			2389	00	15	20	
		9	00	00	30			2394	00	03	30	
		8	00	10	60			2390	00	00	50	
		7	00	09	80			2391	00	02	50	
		6	00	10	10			2392	00	02	60	
		5	00	10	10			2405	00	01	30	
		2	00	05	90			2406 (सरकारी भूमि)	00	01	.60	
		279 (सरकारी भूमि)	00	01	20			2378/3	00	04	60	
		234	00	00	20			2489	00	01	60	
		235	00	23	20			2490	00	15	90	
		236	00	01	30			2491	00	14	50	
		237 (सरकारी भूमि)	00	01	00			2477	00	24	70	
		238	00	02	50			2475	00	46	80	
3.	खींवल	2714	00	00	20			2471	00	05	00	
		2718/1	00	09	30			2459	00	06	50	
		2717	00	12	00			2455 (सरकारी भूमि)	00	03	60	
		2711/1	00	05	90			2454	00	08	30	
		2717/1	00	00	90			2453	00	05	10	
		2691	00	06	30	5. मोहरा खुर्द	13		00	09	40	
		2692	00	04	60			1	00	08	00	
		2693	00	05	90	6. लवाचा	252		00	15	20	
		2684 (सरकारी भूमि)	00	01	30			251 (सरकारी भूमि)	00	01	30	
		2672	00	05	30			236	00	12	10	
		2671 (सरकारी भूमि)	00	04	80			247	00	01	90	
		2669	00	02	10			248	00	10	80	
		2660 (सरकारी भूमि)	00	01	80			245	00	02	50	
		2503 (सरकारी भूमि)	00	10	00			244	00	02	20	
		2504/2	00	04	30			238	00	00	20	
		2501 (सरकारी भूमि)	00	02	90			239	00	00	20	
4.	रायपुर-II	2274	00	17	10			240	00	05	40	
		2283	00	08	30			241	00	03	20	
		2282	00	32	40			242	00	02	20	
		2277	00	02	60			215	00	23	00	
		2308 (सरकारी भूमि)	00	07	50			217	00	15	80	

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
लवाचा	218 (सरकारी भूमि)	00	00	20		दीपावास	196		00	07	90
	216	00	18	10			193 (सरकारी भूमि)	00	01	90	
	203 (सरकारी भूमि)	00	01	50			188		00	03	10
	201	00	33	40	8. मेगड़ा	79			00	01	00
	201/1 (रेलवे विभाग)	00	00	60		71/180			00	08	30
	134/1 (रेलवे विभाग)	00	01	20		71			00	00	20
	156 (रेलवे विभाग)	00	02	60		73			00	05	40
	134	00	02	60		74			00	04	40
	130	00	00	30		49			00	00	20
	134	00	03	00		47			00	00	20
	132	00	04	90		48			00	11	40
	133	00	07	00		41			00	00	20
	135	00	05	70		42 (सरकारी भूमि)	00	19		00	
	136	00	07	80		38			00	00	20
	138	00	04	30		43			00	00	20
	104/745	00	07	00		14			00	10	20
	104 (सरकारी भूमि)	00	01	60		13 (सरकारी भूमि)	00	01	90		
दीपावास	490/64	00	11	40		11			00	08	40
	64 (सरकारी भूमि)	00	08	90		12			00	00	20
	345	00	02	50		6			00	05	20
	346	00	04	40		7			00	04	60
	347	00	04	40	9. माकड़वाली	40			00	09	40
	245	00	20	20		41			00	13	70
	243 (सरकारी भूमि)	00	01	20		45			00	07	00
	242	00	14	60		44			00	07	90
	240	00	08	60		51 (सरकारी भूमि)	00	01	20		
	237 (सरकारी भूमि)	00	03	80		65			00	13	50
	229	00	13	20		67 (सरकारी भूमि)	00	01	50		
	233	00	00	20		88/2			00	10	10
	230	00	05	20		82			00	16	20
	224	00	05	10		81			00	00	20
	223	00	04	40		83 (सरकारी भूमि)	00	00	60		
	212	00	04	40		84			00	01	50
	211	00	04	40		80			00	06	70
	207	00	08	90		86 (सरकारी भूमि)	00	01	90		
	203	00	28	90	10. बर	593			00	11	40
	199	00	06	70		594			00	11	10
	200	00	00	20		595			00	00	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
	वर	596 (सरकारी भूमि)	00	00	90	जेतपुरा	321 (सरकारी भूमि)	00	03	50	
		600	00	09	80		322		00	00	20
		603	00	14	60		323		00	00	20
		604	00	10	30		325 (सरकारी भूमि)	00	13	10	
		623 (सरकारी भूमि)	00	01	20		329		00	00	90
		655	00	07	90		328 (सरकारी भूमि)	00	19	10	
		654	00	06	00		327		00	02	90
		653	00	02	60		341 (सरकारी भूमि)	00	01	80	
		657	00	00	90		345 (सरकारी भूमि)	00	07	40	
		674	00	04	50		342		00	00	20
		667	00	11	30		343		00	06	50
		673	00	00	50		344		00	07	30
		672	00	06	50	14. धोलीया	1		00	08	90
		670	00	19	00		2		00	43	90
		668	00	01	90		69 (सरकारी भूमि)	00	15	00	
		710	00	00	90		70		00	03	80
		719 (सरकारी भूमि)	00	00	20		71		00	00	20
		712	00	05	70		5		00	01	00
		550 (बन विभाग)	01	24	90		6		00	04	30
11.	बिराटियाखुर्द	1146 (सरकारी भूमि)	00	66	30		7		00	04	10
		1203 (सरकारी भूमि)	00	05	90		9		00	02	70
		1230 (सरकारी भूमि)	00	01	30		34		00	02	10
12.	झालाकोचौकी	1174	00	44	40		68		00	01	30
		1175 (सरकारी भूमि)	00	11	10		66		00	06	50
		1202	00	10	20		64		00	01	10
		1218	00	04	10		63		00	04	20
		1219	00	04	30		62		00	03	30
		1201	00	10	50		58 (सरकारी भूमि)	00	08	50	
		1199 (सरकारी भूमि)	00	00	60		61		00	01	70
		1200	00	00	20		60		00	00	60
		1198	00	13	10		59		00	00	40
		1865	00	38	90		56		00	00	20
		1887	00	48	00		95		00	00	20
		1884	00	55	80		101 (सरकारी भूमि)	00	16	00	
		1885	00	00	20		114 (सरकारी भूमि)	00	01	50	
		1882	00	00	30		118 (सरकारी भूमि)	00	01	80	
		1915 (सरकारी भूमि)	00	91	30		119		00	01	90
13.	जेतपुरा	320 (सरकारी भूमि)	00	10	20		122		00	02	40
							121		00	05	40
							123		00	01	60
							124		00	00	30

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
धोलीया		125 (राष्ट्रीय राजमार्ग)	00	01	20			235	00	00	90
		343 (रेलवे विभाग)	00	01	40			236	00	00	90
		342 (सरकारी भूमि)	00	01	10			237	00	01	20
		348	00	15	30			238	00	03	00
		344	00	00	20			239	00	03	10
		345 (सरकारी भूमि)	00	00	20			240	00	02	00
		346	00	01	00			241	00	00	40
		347	00	00	30			242	00	09	80
15 सेन्दङा		49	00	02	40			314	00	01	20
		626 (राष्ट्रीय राजमार्ग)	00	00	50			315	00	04	10
		757 (राष्ट्रीय राजमार्ग)	00	00	20			337	00	00	80
		82 (सरकारी भूमि)	00	34	20			338	00	00	50
		825 (सरकारी भूमि)	00	12	50			36	00	19	40
		827	00	08	00			339	00	01	20
16 कुरातीया		40	00	04	60			342	00	01	00
		39 (सरकारी भूमि)	00	00	20			341	00	01	20
		41	00	02	90			340 (सरकारी भूमि)	00	00	20
		42	00	05	40			378	00	02	80
		46	00	03	40			379	00	02	20
		47	00	01	30			380	00	00	60
		48	00	02	20			374	00	03	60
		49	00	01	40			373	00	01	00
		50	00	01	40			366	00	01	00
		51	00	03	00			367	00	01	50
		66	00	04	90			365	00	04	80
		61	00	00	20			363	00	00	20
		62	00	01	50			353	00	05	40
		63	00	08	30			354	00	01	60
		64	00	04	20			356 (सरकारी भूमि)	00	01	90
		65	00	11	80			355	00	02	10
		79	00	01	40			357	00	00	50
		115	00	02	00			469	00	00	80
		116	00	04	80			17 रामगढ़सेडोतान 62 (सरकारी भूमि)	00	25	80
		126	00	12	20			50	00	02	70
		121	00	02	70			49	00	00	20
		125	00	03	40			51 (सरकारी भूमि)	00	01	80
		124	00	00	70			52	00	04	40
		139	00	03	00			33	00	03	80
		137	00	01	70			29	00	02	90
		141	00	00	20			32	00	02	80
		143	00	01	40			30	00	00	30
		147	00	00	20			31	00	00	20
		144	00	01	40			7	00	00	90
		145	00	02	00			8	00	04	50
		234	00	01	80			14	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
18	मानपुरा	420 (सरकारी भूमि)	00	12	10			597	00	01	70
		472	00	03	60			598 (सरकारी भूमि)	00	01	00
		473	00	01	40			599	00	01	70
		474	00	02	00			600	00	05	00
		477	00	00	20			601/767	00	00	90
		475	00	02	00			602	00	00	80
		476	00	01	00			603 (सरकारी भूमि)	00	02	00
		508	00	03	20			604	00	00	20
		509	00	03	00			605	00	02	20
		510	00	03	20			606 (सरकारी भूमि)	00	01	50
		511	00	04	90			607	00	00	20
		512	00	01	80			610	00	07	00
		513	00	01	80			609 (सरकारी भूमि)	00	01	30
		514	00	01	80			608	00	00	20
		515	00	02	20			612 (सरकारी भूमि)	00	05	40
		516	00	02	60			614	00	01	40
		525	00	00	20			617 (सरकारी भूमि)	00	03	40
		526	00	01	10			616	00	00	20
		527	00	17	60			625	00	03	50
		529 (सरकारी भूमि)	00	01	20			620	00	00	20
		523 (सरकारी भूमि)	00	05	50			621	00	00	60
		536 (सरकारी भूमि)	00	15	80			623	00	00	20
		536/770	00	01	60			624	00	01	80
		541	00	06	20			629	00	00	50
		544	00	09	40			630	00	02	40
		543	00	00	40			632	00	02	90
		545	00	02	80			633	00	00	80
		581	00	00	20			631	00	00	20
		583 (सरकारी भूमि)	00	05	10			637	00	00	20
		588 (सरकारी भूमि)	00	09	70			638	00	04	20
		584	00	00	80			639	00	02	80
		585	00	02	20			640	00	02	80
		586	00	03	20			643	00	00	60
		587 (सरकारी भूमि)	00	03	80			647 (सरकारी भूमि)	00	02	20
		576	00	05	30			646	00	03	50
		575	00	05	30			648	00	03	40
		590 (सरकारी भूमि)	00	02	80			645	00	00	20
		590/766	00	00	20			720 (सरकारी भूमि)	00	25	40
		591	00	02	00			692 (सरकारी भूमि)	00	42	60
		592 (सरकारी भूमि)	00	04	50			680 (सरकारी भूमि)	00	17	70
		593	00	00	60			676	00	00	20
		596 (सरकारी भूमि)	00	05	50	19	खेड़ासेडोतान	54	00	03	00
		595	00	01	10			53	00	03	00

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
19	खेड़ासेडोतान	52	00	05	90	21	शेरगढ़	221	00	03	60
		18 (सरकारी भूमि)	00	07	40			222	00	06	10
		153	00	02.	60			225	00	13	10
		154	00	01	50			226	00	00	90
		135	00	00	40			86	00	00	50
		152	00	01	50			87	00	00	90
		151	00	01	90			88	00	01	90
		148	00	00	20			92	00	01	90
		150	00	01	60			91	00	03	40
		149	00	02	70			93	00	03	80
		136	00	02	60			95	00	00	20
		137	00	00	20			96	00	01	00
		125	00	04	20			97	00	02	20
		124	00	00	90			98	00	01	00
		126	00	00	20			99	00	03	80
		127	00	04	20			100	00	02	30
		128	00	03	90			101	00	02	50
		98	00	03	90			102	00	03	40
		96	00	00	30			103	00	07	20
		97	00	00	20			104	00	01	20
		100	00	01	20			105	00	00	50
		114	00	00	90			107	00	02	00
		115	00	00	20			108	00	04	20
		108	00	02	60			110	00	00	80
		101 (सरकारी भूमि)	00	00	50			111	00	00	70
		103	00	02	00			112	00	01	50
		102	00	00	60	22	सराधना	265	00	02	90
		104	00	00	30			263	00	01	80
		61	00	01	70			262	00	03	20
		62	00	02	30			261	00	02	40
		63	00	00	30			259	00	02	00
		59	00	00	20			258 (सरकारी भूमि)	00	17	90
		58	00	04	00			256 (सरकारी भूमि)	00	10	40
		56	00	04	00			248 (सरकारी भूमि)	00	19	10
		55	00	04	50			205	00	01	40
20	कोटड़ी	74 (सरकारी भूमि)	00	05	20			200	00	04	10
21	शेरगढ़	61 (सरकारी भूमि)	00	88	80			204	00	00	20
		237	00	03	50			203	00	00	90
		230	00	00	40			201	00	02	30
		229	00	00	70			202	00	03	10
		228	00	06	30			197	00	00	20
		227	00	06	00			196	00	03	90
		219	00	00	20			193 (सरकारी भूमि)	00	07	40

(1)	(2)	(3)	(4)	(5)	(6)
22	सराधना	189	00	03	20
		188	00	02	40
		187	00	00	20
		177 (सरकारी भूमि)	00	06	80
		181	00	03	80
		180	00	00	20
		493 (सरकारी भूमि)	00	27	90
		457	00	00	20
		459	00	00	30
		467	00	01	00
		483	00	02	40
		484	00	02	50
		488	00	01	10

[फा.सं. आर-25011/17/2011-ओआर-I]

बी. के. दत्ता, अवर सचिव

New Delhi, the 28th September, 2011

S.O. 2786.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum crude a pipeline from Salaya in the State of Gujarat to Mathura in the State of Uttar Pradesh, (Under Salaya-Mathura Pipeline De-bottlenecking Project) should be laid by the Indian Oil Corporation Limited;

And, whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land, to Shri Bhim Singh, Competent Authority, Indian Oil Corporation Limited (Pipelines Division), Construction Office, Plot No. 38-39, SDC Vinay, Block II, 4th floor, Mauji Colony, Malviya Nagar, Jaipur, Rajasthan-302017.

SCHEDULE					
Tehsil: Raipur		District: Pali		State: Rajasthan	
Sl. No.	Name of Village	Khasra No.	Area		
			Hectare	Acre	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
1.	Sabalpura	383 (Govt. Land)	00	11	80
		385	00	13	50
		388	00	17	60
		389	00	09	50
		407 (Govt. Land)	00	06	60
		408 (Govt. Land)	00	27	40
		410	00	12	70
		413	00	20	00
		414	00	27	20
		415	00	12	80
		498 (Govt. Land)	00	03	80
		439	00	14	70
		438	00	12	30
		437	00	13	60
		436	00	01	60
		427	00	06	50
		428	00	12	00
		429	00	03	80
		424	00	08	20
		423	00	04	50
		421	00	07	80
		422	00	00	30
		418	00	00	60
		417	00	01	50
		324 (Govt. Land)	00	01	30
		311	00	03	60
		309	00	04	50
		306	00	08	50
		304	00	00	20
		305	00	08	90
		299	00	00	20
		301	00	07	50
		300	00	00	20
		284 (Govt. Land)	00	01	20
		275	00	06	00
		273 (Govt. Land)	00	01	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
1.	Sabalpura	278 (Govt. Land)	00	00	20	3.	Khiwal	2503 (Govt. Land)	00	10	00
		272 (Govt. Land)	00	00	20			2504/2	00	04	30
		253	00	14	70			2501 (Govt. Land)	00	02	90
		254	00	04	70	4.	Rajpur-II	2274	00	17	10
		255	00	00	20			2283	00	08	30
		246	00	16	20			2282	00	32	40
		245	00	13	00			2277	00	02	60
		244	00	05	70			2308 (Govt. Land)	00	07	50
		243	00	04	80			2373	00	11	80
		237	00	19	40			2372	00	04	50
		238	00	04	10			2375 (Govt. Land)	00	03	50
		239	00	14	10			2376	00	00	70
		236	00	07	30			2389	00	15	20
		235	00	05	70			2394	00	03	30
2.	Chawandiya	14	00	08	30			2390	00	00	50
	Khurd							2391	00	02	50
		10	00	09	80			2392	00	02	60
		9	00	00	30			2405	00	01	30
		8	00	10	60			2406 (Govt. Land)	00	01	60
		7	00	09	80			2378/3	00	04	60
		6	00	10	10			2489	00	01	60
		5	00	10	10			2490	00	15	90
		2	00	05	90			2491	00	14	50
		279 (Govt. Land)	00	01	20			2477	00	24	70
		234	00	00	20			2475	00	46	80
		235	00	23	20			2471	00	05	00
		236	00	01	30			2459	00	06	50
		237 (Govt. Land)	00	01	00			2455 (Govt. Land)	00	03	60
		238	00	02	50			2454	00	08	30
3.	Khiwal	2714	00	00	20			2453	00	05	10
		2718/1	00	09	30	5.	Mohara	13	00	09	40
		2717	00	12	00		Khurd				
		2711/1	00	05	90			1	00	08	00
		2717/1	00	00	90	6.	Lawacha	252	00	15	20
		2691	00	06	30			251 (Govt. Land)	00	01	30
		2692	00	04	60			236	00	12	10
		2693	00	05	90			247	00	01	90
		2684 (Govt. Land)	00	01	30			248	00	10	80
		2672	00	05	30			245	00	02	50
		2671 (Govt. Land)	00	04	80			244	00	02	20
		2669	00	02	10			238	00	00	20
		2660 (Govt. Land)	00	01	80			239	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
6.	Lawacha	240	00	05	40	7.	Deepawas	200	00	00	20
		241	00	03	20			196	00	07	90
		242	00	02	20			193 (Govt. Land)	00	01	90
		215	00	23	00			188	00	03	10
		217	00	15	80	8.	Megdara	79	00	01	00
		218 (Govt. Land)	00	00	20			71/180	00	08	30
		216	00	18	10			71	00	00	20
		203 (Govt. Land)	00	01	50			73	00	05	40
		201	00	33	40			74	00	04	40
		201/1 (Railway Deptt.)	00	00	60			49	00	00	20
		134/1 (Railway Deptt.)	00	01	20			47	00	00	20
		156 (Railway Deptt.)	00	02	60			48	00	11	40
		134	00	02	60			41	00	00	20
		130	00	00	30			42 (Govt. Land)	00	19	00
		131	00	03	00			38	00	00	20
		132	00	04	90			43	00	00	20
		133	00	07	00			14	00	10	20
		135	00	05	70			13 (Govt. Land)	00	01	90
		136	00	07	80			11	00	08	40
		138	00	04	30			12	00	00	20
		104/745	00	07	00			6	00	05	20
		104 (Govt. Land)	00	01	60			7	00	04	60
7.	Deepawas	490/64	00	11	40	9.	Makarwali	40	00	09	40
		64 (Govt. Land)	00	08	90			41	00	13	70
		345	00	02	50			45	00	07	00
		346	00	04	40			44	00	07	90
		347	00	04	40			51 (Govt. Land)	00	01	20
		245	00	20	20			65	00	13	50
		243 (Govt. Land)	00	01	20			67 (Govt. Land)	00	01	50
		242	00	14	60			88/2	00	10	10
		240	00	08	60			82	00	16	20
		237 (Govt. Land)	00	03	80			81	00	00	20
		229	00	13	20			83 (Govt. Land)	00	00	60
		233	00	00	20			84	00	01	50
		230	00	05	20			80	00	06	70
		224	00	05	10			86 (Govt. Land)	00	01	90
		223	00	04	40	10.	Bar	593	00	11	40
		212	00	04	40			594	00	11	10
		211	00	04	40			595	00	00	20
		207	00	08	90			596 (Govt. Land)	00	00	90
		203	00	28	90			600	00	09	80
		199	00	06	70			603	00	14	60

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
10. Bar		604	00	10	30	13. Jetpura		327	00	02	90
		623 (Govt. Land)	00	01	20			341 (Govt. Land)	00	01	80
		655	00	07	90			345 (Govt. Land)	00	07	40
		654	00	06	00			342	00	00	20
		653	00	02	60			343	00	06	50
		657	00	00	90			344	00	07	30
		674	00	04	50			349 (Govt. Land)	00	04	40
		667	00	11	30			350	00	04	30
		673	00	00	50	14. Dholiya		1	00	08	90
		672	00	06	50			2	00	43	90
		670	00	19	00			69 (Govt. Land)	00	15	00
		668	00	01	90			70	00	03	80
		710	00	00	90			71	00	00	20
		719 (Govt. Land)	00	00	20			5	00	01	00
		712	00	05	70			6	00	04	30
		550 (Forest Deptt.)	01	24	90			7	00	04	10
11. Biratiyakhurd		1146 (Govt. Land)	00	66	30			9	00	02	70
		1203 (Govt. Land)	00	05	90			34	00	02	10
		1230 (Govt. Land)	00	01	30			68	00	01	30
Malakihowki		1174	00	44	40			66	00	06	50
		1175 (Govt. Land)	00	11	10			64	00	01	10
		1202	00	10	20			63	00	04	20
		1218	00	04	10			62	00	03	30
		1219	00	04	30			58 (Govt. Land)	00	08	50
		1201	00	10	50			61	00	01	70
		1199 (Govt. Land)	00	00	60			60	00	00	60
		1200	00	00	20			59	00	00	40
		1198	00	13	10			56	00	00	20
		1865	00	38	90			95	00	00	20
		1887	00	48	00			101 (Govt. Land)	00	16	00
		1884	00	55	80			114 (Govt. Land)	00	01	50
		1885	00	00	20			118 (Govt. Land)	00	01	80
		1882	00	00	30			119	00	01	90
		1915 (Govt. Land)	00	91	30			122	00	02	40
13. Jetpura		320 (Govt. Land)	00	10	20			121	00	05	40
		321 (Govt. Land)	00	03	50			123	00	01	60
		322	00	00	20			124	00	00	30
		323	00	00	20			125 (N.H.)	00	01	20
		325 (Govt. Land)	00	13	10			343 (Railway Deptt.)	00	01	40
		329	00	00	90			342 (Govt. Land)	00	01	10
		328 (Govt. Land)	00	19	10			348	00	15	30
								344	00	00	20
								345 (Govt. Land)	00	00	20
								346	00	01	00
								347	00	00	30

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
15.	Sendra	49	00	02	40	16.	Kuratiya	315	00	04	10
		626 (NH)	00	00	50			337	00	00	80
		757 (NH)	00	00	20			338	00	00	50
		82 (Govt. Land)	00	34	20			36	00	19	40
		825 (Govt. Land)	00	12	50			339	00	01	20
		827	00	08	00			342	00	01	00
16.	Kuratiya	40	00	04	60			341	00	01	20
		39 (Govt. Land)	00	00	20			340 (Govt. Land)	00	00	20
		41	00	02	90			378	00	02	80
		42	00	05	40			379	00	02	20
		46	00	03	40			380	00	00	60
		47	00	01	30			374	00	03	60
		48	00	02	20			373	00	01	00
		49	00	01	40			366	00	01	00
		50	00	01	40			367	00	01	50
		51	00	03	00			365	00	04	80
		66	00	04	90			363	00	00	20
		61	00	00	20			353	00	05	40
		62	00	01	50			354	00	01	60
		63	00	08	30			356 (Govt. Land)	00	01	90
		64	00	04	20			355	00	02	10
		65	00	11	80			357	00	00	50
		79	00	01	40			469	00	00	80
		115	00	02	00	17	Ramgarh-sedotan	62 (Govt. Land)	00	25	80
		116	00	04	80			50	00	02	70
		126	00	02	20			49	00	00	20
		121	00	02	70			51 (Govt. Land)	00	01	80
		125	00	03	40			52	00	04	40
		124	00	00	70			33	00	03	80
		139	00	03	00			29	00	02	90
		137	00	01	70			32	00	02	80
		141	00	00	20			30	00	00	30
		143	00	01	40			31	00	00	20
		147	00	00	20			7	00	00	90
		144	00	01	40			8	00	04	50
		145	00	02	00			14	00	00	20
		234	00	01	80						
		235	00	00	90	18	Mampura	420 (Govt. Land)	00	12	10
		236	00	00	90			472	00	03	60
		237	00	01	20			473	00	01	40
		238	00	03	00			474	00	02	00
		239	00	03	10			477	00	00	20
		240	00	02	00			475	00	02	00
		241	00	00	40			476	00	01	00
		242	00	09	80			508	00	03	20
		314	00	01	20			509	00	03	00

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
18	Manpura	510	00	03	20	18	Manpura	609 (Govt. Land)	00	01	30
		511	00	04	90			608	00	00	20
		512	00	01	80			612 (Govt. Land)	00	05	40
		513	00	01	80			614	00	01	40
		514	00	01	80			617 (Govt. Land)	00	03	40
		515	00	02	20			616	00	00	20
		516	00	02	60			625	00	03	50
		525	00	00	20			620	00	00	20
		526	00	01	10			621	00	00	60
		527	00	17	60			623	00	00	20
		529 (Govt. Land)	00	01	20			624	00	01	80
		523 (Govt. Land)	00	05	50			629	00	00	50
		536 (Govt. Land)	00	15	80			630	00	02	40
		536/770	00	01	60			632	00	02	90
		541	00	06	20			633	00	00	80
		544	00	09	40			631	00	00	20
		543	00	00	40			637	00	00	20
		545	00	02	80			638	00	04	20
		581	00	00	20			639	00	02	80
		583 (Govt. Land)	00	05	10			640	00	02	80
		588 (Govt. Land)	00	09	70			643	00	00	60
		584	00	00	80			647 (Govt. Land)	00	02	20
		585	00	02	20			646	00	03	50
		586	00	03	20			648	00	03	40
		587 (Govt. Land)	00	03	80			645	00	00	20
		576	00	05	30			720 (Govt. Land)	00	25	40
		575	00	05	30			692 (Govt. Land)	00	42	60
		590 (Govt. Land)	00	02	80			680 (Govt. Land)	00	17	70
		590/766	00	00	20			676	00	00	20
		591	00	02	00	19.	Kherase-dotan	54	00	03	00
		592 (Govt. Land)	00	04	50			53	00	03	00
		593	00	00	60			52	00	05	90
		596 (Govt. Land)	00	05	50			18 (Govt. Land)	00	07	10
		595	00	01	10			153	00	02	60
		597	00	01	70			154	00	01	50
		598 (Govt. Land)	00	01	00			135	00	00	40
		599	00	01	70			152	00	01	50
		600	00	05	00			151	00	01	90
		601/767	00	00	90			148	00	00	20
		602	00	00	80			150	00	01	60
		603 (Govt. Land)	00	02	00			149	00	02	70
		604	00	00	20			136	00	02	60
		605	00	02	20			137	00	00	20
		606 (Govt. Land)	00	01	50			125	00	04	20
		607	00	00	20			124	00	00	90
		610	00	07	00						

(1)	(2)	(3)	(4)	(5)	(6)	(1)	(2)	(3)	(4)	(5)	(6)
19. Kherase-dotan	126		00	00	20	21. Shergarh	100		00	02	30
	127		00	04	20		101		00	02	50
	128		00	03	90		102		00	03	40
	98		00	03	90		103		00	07	20
	96		00	00	30		104		00	01	20
	97		00	00	20		105		00	00	50
	100		00	01	20		107		00	02	00
	114		00	00	90		108		00	04	20
	115		00	00	20		110		00	00	80
	108		00	02	60		111		00	00	70
	101 (Govt. Land)		00	00	50		112		00	01	50
	103		00	02	00	22. Saradhana	265		00	02	90
	102		00	00	60		263		00	01	80
	104		00	00	30		262		00	03	20
	61		00	01	70		261		00	02	40
	62		00	02	30		259		00	02	00
	63		00	00	30		258 (Govt. Land)		00	17	90
	59		00	00	20		256 (Govt. Land)		00	10	40
	58		00	04	00		248 (Govt. Land)		00	19	10
	56		00	04	00		205		00	01	40
	55		00	04	50		200		00	04	10
20. Kotari	74 (Govt. Land)		00	05	20		204		00	00	20
21. Shergarh	61 (Govt. Land)		00	88	80		203		00	00	90
	237		00	03	50		201		00	02	30
	230		00	00	40		202		00	03	10
	229		00	00	70		197		00	00	20
	228		00	06	30		196		00	03	90
	227		00	06	00		193 (Govt. Land)		00	07	40
	219		00	00	20		189		00	03	20
	221		00	03	60		188		00	02	40
	222		00	06	10		187		00	00	20
	225		00	13	10		177 (Govt. Land)		00	06	80
	226		00	00	90		181		00	03	80
	86		00	00	50		180		00	00	20
	87		00	00	90		493 (Govt. Land)		00	27	90
	88		00	01	90		457		00	00	20
	92		00	01	90		459		00	00	30
	91		00	03	40		467		00	01	00
	93		00	03	80		483		00	02	40
	95		00	00	20		484		00	02	50
	96		00	01	00		488		00	01	10
	97		00	02	20						[F.No. R-25011/17/2011-OR-I]
	98		00	01	00						B. K. DATTA, Under Secy.
	99		00	03	80						

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2787.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि तमिलनाडु राज्य में कावेरी बेसिन रिफाइनरी, नरीमनम से त्रिची तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और ऐसा प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन आवश्यक है;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति उस तारीख से, जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि में उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के प्रति लिखित रूप में आक्षेप श्री बी. भास्करन, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, सं. 10, तिरु-वि-का-स्ट्रीट, राजाजिपुरम, तिरुवल्लुर, तमिलनाडु-602001 को कर सकेगा।

अनुसूची

तालुका-नागपटिठनम्	जिला-नागपटिठनम्	राज्य-तमिलनाडु			
क्रम सं.	गांव का नाम	सर्वोक्षण सं.-खण्ड	उप-खण्ड	हेक्टर	एयर मीटर
1	2	3	4	5	6
52. नारीमनम्	40	13	0	1	40
	40	18	0	5	90
	40	11	0	6	10
	40	7	0	5	50
	40	8	0	0	55
	40	3	0	0	40
	40	2	0	0	88
	40	1	0	2	00
	40	6	0	3	00
	41	20	0	6	85
	41	17	0	4	25
	41	13	0	1	10
	41	15	0	2	30
	41	11	0	1	90
	41	12	0	3	90

1	2	3	4	5	6
52. नारीमनम्	41	8	0	1	30
	41	7	0	1	70
	41	9	0	1	90
	41	6	0	4	00
	41	3बी	0	5	20
	41	4	0	4	00
	41	1बी	0	1	10
	32	7बी	0	0	40
	32	7ए	0	3	00
	32	6	0	6	90
	32	4	0	13	40
	31	4ए	0	21	90
	30	4	0	5	80
	30	2	0	7	40
	30	1	0	9	60
	29	4	0	0	40
	26	-	0	6	80
	27	4	0	6	90
	27	3बी	0	6	90
	27	2	0	6	50
	27	1	0	8	00
	57	18	0	2	60
	57	17	0	20	00
	57	1ए	0	1	70
	18	2	0	6	95
	58	1	0	12	30
	59	2	0	8	00
	59	1बी	0	4	20
	59	1ए	0	4	40
	60	1सी	0	11	60
	60	4	0	6	00
	60	3	0	1	20
	60	2	0	1	40
	60	1बी2	0	4	20
	60	1बी1	0	5	25
	60	1ए2	0	2	65
	60	1ए1	0	4	00
	68	3	0	5	80
	16	1	0	8	40
	11	5	0	8	00
	11	4	0	7	80
	11	3	0	13	70
	10	4	0	3	00

1	2	3	4	5	6	1	2	3	4	5	6
52. नारीमनम्	10	2	0	10	40	44. पेरीयाकन्नमगंलम्	62	6सो3	0	5	00
	10	1	0	4	90		62	6ए	0	4	50
	9	6	0	6	40		62	6बी2	0	2	30
	9	1सी	0	7	60		62	4	0	1	00
	8	4	0	11	80		62	6बी1	0	7	30
	8	2बी	0	6	00		62	5	0	7	60
	8	2ए	0	4	40		61	4	0	18	20
	8	1	0	9	60		61	2	0	10	80
	7	5	0	14	40		60	3	0	7	60
	7	3	0	6	00		60	4	0	21	80
	7	2	0	6	00		66	2ए	0	2	80
	2	4	0	2	70	38. कारयूर	154	3	0	0	40
46. नैकुप्पै	113	-	0	20	20		154	4	0	7	60
	114	1	0	12	60		152	3	0	18	80
	115	1	0	22	20		152	2	0	5	40
	116	4	0	1	10		122	7	0	10	40
	116	3	0	2	30		122	5	0	7	40
	116	1ए	0	9	60		122	4	0	2	90
	103	3ए	0	3	50		122	1	0	14	00
	103	3बी	0	1	40	37. कन्नलान्चेरी	92	3	0	19	00
	103	1ए2	0	9	90		92	2	0	0	40
	103	1ए1	0	11	70		92	1	0	18	00
	100	3	0	18	40		89	2	0	5	00
	100	4	0	8	80		89	1सी	0	13	80
	100	1	0	8	30		85	9ए	0	6	00
	98	4ए	0	6	10		85	8	0	10	40
	98	3	0	16	80		85	7ए	0	7	40
	97	2	0	1	60		85	5	0	0	40
	97	5	0	2	60		85	3	0	7	00
	97	1	0	1	40		84	10	0	8	20
	97	3	0	5	00		84	9	0	1	40
44. पेरीयाकन्नमगंलम्	50	4	0	15	80		84	8	0	2	80
	50	3ए	0	12	30		84	7	0	0	80
	51	1	0	6	40		84	4	0	3	80
	82	2	0	5	00		84	3	0	0	40
	81	1बी	0	4	20		84	2	0	8	40
	81	1ए	0	5	00	36. वालकुडी	169	5बी	0	6	20
	53	5	0	4	70		169	4	0	15	00
	53	3	0	5	00		169	2	0	18	00
	53	2	0	2	70		168	2बी3	0	0	40
	53	1	0	10	50		168	2बी2	0	0	40
	53	4	0	1	50		168	2बी1	0	0	90
	54	1	0	10	80		168	2ए	0	2	10

1	2	3	4	5	6	1	2	3	4	5	6
36.वालकुडी	167	5	0	5	20	36.वालकुडी	90	7बी	0	6	50
	167	7	0	3	40		90	7ए	0	0	40
	167	2	0	5	00		90	1ए	0	8	60
	167	4बी	0	0	60		90	2	0	0	40
	167	4ए	0	2	50		89	2	0	13	50
	166	6	0	19	00		52	11ए	0	0	80
	166	3	0	27	40		52	11बी	0	9	70
	166	1	0	2	40		52	3	0	3	60
	152	8	0	3	00		52	2	0	11	90
	152	7	0	1	40		15	3बी	0	14	10
	152	10सी	0	4	20		16	2	0	12	60
	152	10बी	0	7	80		17	3बी	0	14	40
	152	10ए	0	7	40		18	3बी	0	20	90
	152	9	0	2	70		19	4	0	10	40
	151	10ए	0	3	40		19	3	0	4	40
	151	4	0	0	70		19	2	0	4	90
	151	5	0	5	60		12	3बी	0	15	90
	151	6	0	5	30		12	3ए	0	16	20
	151	7	0	2	90		12	1	0	1	10
	151	8	0	0	40		3	2	0	0	40
	148	4डी2	0	6	00		3	3	0	4	40
	148	4डी1	0	7	20						
	148	4सी	0	7	60						
	148	4बी	0	16	20						
	148	4ए	0	9	00						
	148	2	0	6	00						
	148	1बी	0	5	40						
	148	1ए	0	0	50						
	139	2	0	3	40						
	138	4	0	17	00						
	138	3बी	0	5	80						
	138	3ए	0	15	80						
	138	2	0	12	30						
	95	5	0	3	80						
	95	4बी	0	2	20						
	95	4ए	0	0	40						
	86	5ए	0	13	80						
	87	9	0	13	50						
	87	8	0	7	40						
	87	7बी	0	4	40						
	87	7ए	0	5	00						
	88	7बी	0	11	70						
	88	7ए	0	6	00						
	88	6	0	5	40						

तालुका-किल्वेलूर	जिला-नागपटिठनम्	राज्य-तमிலநாடு			
क्रम सं	गांव का नाम	सर्वेक्षण सं.	उपखण्ड	हेक्टर सं.	एयर मीटर
1	2	3	4	5	6
3. वेनोडानगल	2	6	0	9	80
	2	7ए	0	1	00
	2	7बी	0	3	00
	2	3	0	0	40
	16	3बी	0	20	40
	16	3ए	0	17	80
	16	2	0	4	80
	15	7	0	19	00
	15	6	0	12	00
	15	3	0	6	20
	15	4	0	6	20
	14	5	0	4	80
	14	4	0	5	40
	14	3ए	0	5	20
	14	1	0	4	90

1	2	3	4	5	6
3.वेनीडानाल	13	२से	०	४	००
	13	३	०	४	००
	13	२ए	०	२१	४०
	13	१बी	०	६	१०
	13	१ए	०	६	१०
	11	४	०	७	१०
	11	१से	०	८	४०
	11	१बी	०	८	००
	10	१	०	२८	८०
	145	-	०	२२	८०
	146	-	०	१	६०
	144	-	०	६	७०
	159	५	०	२	४०
	159	४बी	०	२	८०
	159	३	०	७	५०
	160	१	०	११	२०
	161	२	०	२६	००
	162	२	०	९	८०
	163	७	०	८	००
	163	६	०	३	४०
	163	५	०	१६	२०
	163	३	०	५	६०
	163	४	०	३	६०
	173	२	०	२५	८०
	174	३	०	२३	४०
	228	-	०	२३	४०
	229	६	०	२	४०
	229	५	०	३	००
	229	४	०	१	२०
	229	२	०	०	४०
	227	२	०	२	८०
	227	४	०	१	००
	227	६	०	०	४०
	227	५	०	०	४०
	227	३	०	३	५०
	246	२	०	२१	३०
	246	५	०	०	४०
	246	४	०	०	८०
	246	३	०	१	३०
	245	२ए	०	२	२०
	244	४	०	१८	२०
	244	१	०	०	४०

1	2	3	4	5	6
3.वेनीडानाल	244	२	०	१९	२०
	284	३	०	१३	९०
	284	१से	०	८	००
	284	१बी	०	८	२०
	284	४	०	३	४०
	278	४	०	१३	८०
	278	५	०	१०	२०
	278	२	०	१४	४०
	277	५	०	६	८०
	279	१	०	६	२०
	274	२	०	११	४०
	273	१	०	१०	८०
	273	२	०	९	००

[फा. सं. आर-25011/18/2011-ओ.आर.-I]

बी. के. दत्ता, अधर सचिव

New Delhi, the 28th September, 2011

S.O. 2787.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum products from Cauvery Basin Refinery, Narimanam to Trichy in the State of Tamil Nadu, a pipeline should be laid by the Indian Oil Corporation Limited, for implementing the CBR - Trichy pipe line Project;

And whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the Land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section 1 (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of user therein;

Any person interested in the land described in the said Schedule may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the Right of User therein, or laying of pipeline under the land to Shri B. Baskaran, Competent Authority, Indian Oil Corporation Limited, AIF, CBPL & CBRT pipeline Project, No.10, Thiru-vi-ka Street, Rajajipuram, Tiruvallur, Tamil Nadu - 602 001.

SCHEDULE

Taluk : Nagapattinam	Distt: Nagapattinam	State : Tamil Nadu				
Sr. No.	Name of the Village	Survey No.	Sub Division No.	Hect.	Are	Sq. Meter
1	2	3	4	5	6	
52.	Narimanam	40	13	0	1	40
		40	18	0	5	90
		40	11	0	6	10
		40	7	0	5	50
		40	8	0	0	55
		40	3	0	0	40
		40	2	0	0	88
		40	1	0	2	00
		40	6	0	3	00
		41	20	0	6	85
		41	17	0	4	25
		41	13	0	1	10
		41	15	0	2	30
		41	11	0	1	90
		41	12	0	3	90
		41	8	0	1	30
		41	7	0	1	70
		41	9	0	1	90
		41	6	0	4	00
		41	3B	0	5	20
		41	4	0	4	00
		41	1B	0	1	10
		32	7B	0	0	40
		32	7A	0	3	00
		32	6	0	6	90
		32	4	0	13	40
		31	4A	0	21	90
		30	4	0	5	80
		30	2	0	7	40
		30	1	0	9	60
		29	4	0	0	40
		26	-	0	6	80
		27	4	0	6	90
		27	3B	0	6	90
		27	2	0	6	50
		27	1	0	8	00
		57	18	0	2	60
		57	17	0	20	00

1	2	3	4	5	6
52. Narimanam	57	1A	0	1	70
	18	2	0	6	95
	58	1	0	12	30
	59	2	0	8	00
	59	IB	0	4	20
	59	1A	0	4	40
	60	IC	0	11	60
	60	4	0	6	00
	60	3	0	1	20
	60	2	0	1	40
	60	1B2	0	4	20
	60	1B1	0	5	25
	60	1A2	0	2	65
	60	1A1	0	4	00
	68	3	0	5	80
	16	1	0	8	40
	11	5	0	8	00
	11	4	0	7	80
	11	3	0	13	70
	10	4	0	3	00
	10	2	0	10	40
	10	1	0	4	90
	9	6	0	6	40
	9	IC	0	7	60
	8	4	0	11	80
	8	2B	0	6	00
	8	2A	0	4	40
	8	1	0	9	60
	7	5	0	14	40
	7	3	0	6	00
	7	2	0	6	00
	2	4	0	2	70
46. Neykkuppai	113	-	0	20	20
	114	1	0	12	60
	115	1	0	22	20
	116	4	0	1	10
	116	3	0	2	30
	116	1A	0	9	60
	103	3A	0	3	50
	103	3B	0	1	40
	103	1A2	0	9	90
	103	1A1	0	11	70
	100	3	0	18	40

1	2	3	4	5	6	1	2	3	4	5	6
46. Neykkuppai	100	4	0	8	80	37. Kangalancheri	89	1C	0	13	80
	100	1	0	8	30		85	9A	0	6	00
	98	4A	0	6	10		85	8	0	10	40
	98	3	0	16	80		85	7A	0	7	40
	97	2	0	1	60		85	5	0	0	40
	97	5	0	2	60		85	3	0	7	00
	97	1	0	1	40		84	10	0	8	20
	97	3	0	5	00		84	9	0	1	40
44. Periyakanna-	50	4	0	15	80		84	8	0	2	80
mangalam	50	3A	0	12	30		84	7	0	0	80
	51	1	0	6	40		84	4	0	3	80
	82	2	0	5	00		84	3	0	0	40
	81	1B	0	4	20		84	2	0	8	40
	81	1A	0	5	00	36. Vazhkudi	169	5B	0	6	20
	53	5	0	4	70		169	4	0	15	00
	53	3	0	5	00		169	2	0	18	00
	53	2	0	2	70		168	2B3	0	0	40
	53	1	0	10	50		168	2B2	0	0	40
	53	4	0	1	50		168	2B1	0	0	90
	54	1	0	10	80		168	2A	0	2	10
	62	6B3	0	5	00		167	5	0	5	20
	62	6A	0	4	50		167	7	0	3	40
	62	6B2	0	2	30		167	2	0	5	00
	62	4	0	1	00		167	4B	0	0	60
	62	6B1	0	7	30		167	4A	0	2	50
	62	5	0	1	60		166	6	0	19	00
	61	4	0	18	20		166	3	0	27	40
	61	2	0	10	80		166	1	0	2	40
	60	3	0	7	60		152	8	0	3	00
	60	4	0	21	80		152	7	0	1	40
	66	2A	0	2	80		152	10C	0	4	20
38. Karaiyur	154	3	0	0	40		152	10B	0	7	80
	154	4	0	7	60		152	10A	0	7	40
	152	3	0	18	80		152	9	0	2	70
	152	2	0	5	40		151	10A	0	3	40
	122	7	0	10	40		151	4	0	0	70
	122	5	0	7	40		151	5	0	5	60
	122	4	0	2	90		151	6	0	5	30
	122	1	0	14	00		151	7	0	2	90
37. Kangalancheri	92	3	0	19	00		151	8	0	0	40
	92	2	0	0	40		148	4D2	0	6	00
	92	1	0	18	00		148	4D1	0	7	20
	89	2	0	5	00		148	4C	0	7	60

1	2	3	4	5	6	Taluk : Kilvelur	Distt. Nagapattinam		State : Tamil Nadu		
						Sr. No.	Name of the Village	Survey No.	Sub Division	Hect.	Acre
						1	2	3	4	5	6
36. Vazhkudi	148	4B	0	16	20	3. Vengidangal	2	6	0	9	80
	148	4A	0	9	00		2	7A	0	1	00
	148	2	0	6	00		2	7B	0	3	00
	148	1B	0	5	40		2	3	0	0	40
	148	1A	0	0	50		16	3B	0	20	40
	139	2	0	3	40		16	3A	0	17	80
	138	4	0	17	00		16	2	0	4	80
	138	3B	0	5	80		15	7	0	19	00
	138	3A	0	15	80		15	6	0	12	00
	138	2	0	12	30		15	3	0	6	20
	95	5	0	3	80		15	4	0	6	20
	95	4B	0	2	20		14	5	0	4	80
	95	4A	0	0	40		14	4	0	5	40
	86	5A	0	13	80		14	3A	0	5	20
	87	9	0	13	50		14	1	0	4	90
	87	8	0	7	40		13	2C	0	4	00
	87	7B	0	4	40		13	3	0	4	00
	87	7A	0	5	00		13	2A	0	21	40
	88	7B	0	11	70		13	1B	0	6	10
	88	7A	0	6	00		13	1A	0	6	10
	88	6	0	5	40		11	4	0	7	10
	90	7B	0	6	50		11	1C	0	8	40
	90	7A	0	0	40		11	1B	0	8	00
	90	1A	0	8	60		10	1	0	28	80
	90	2	0	0	40		145	-	0	22	80
	89	2	0	13	50		146	-	0	1	60
	52	11A	0	0	80		144	-	0	6	70
	52	11B	0	9	70		159	5	0	2	40
	52	3	0	3	60		159	4B	0	2	80
	52	2	0	11	90		159	3	0	7	50
	15	3B	0	14	10		160	1	0	11	20
	16	2	0	12	60		161	2	0	26	00
	17	3B	0	14	40		162	2	0	9	80
	18	3B	0	20	90		163	7	0	8	00
	19	4	0	10	40		163	6	0	3	40
	19	3	0	4	40		163	5	0	16	20
	19	2	0	4	90		163	3	0	5	60
	12	3B	0	15	90		163	4	0	3	60
	12	3A	0	16	20		173	2	0	25	80
	12	1	0	1	10		174	3	0	23	40
	3	2	0	0	40		228	-	0	23	40
	3	3	0	4	40		229	6	0	2	40

1	2	3	4	5	6
3.Vengidangal	227	6	0	0	40
	227	5	0	0	40
	227	3	0	3	50
	246	2	0	21	30
	246	5	0	0	40
	246	4	0	0	80
	246	3	0	1	30
	245	2A	0	2	20
	244	4	0	18	20
	244	1	0	0	40
	244	2	0	19	20
	284	3	0	13	90
	284	1C	0	8	00
	284	1B	0	8	20
	284	4	0	3	40
	278	4	0	13	80
	278	5	0	10	20
	278	2	0	14	40
	277	5	0	6	80
	279	1	0	6	20
	274	2	0	11	40
	273	1	0	10	80
	273	2	0	9	00

[F. No. R-25011/18/2011-O.R.-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2788.—केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 971 दिनांक 6 अप्रैल, 2011 भारत के राजपत्र दिनांक 9 अप्रैल, 2011 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 2872 गांव नाना, पंकित संख्या 4, कॉलम संख्या 3 में 548 (सरकारी भूमि) के स्थान पर 548 पढ़ा जाये।

पृष्ठ संख्या 2872 गांव वीरमपुरा, पंकित संख्या 57, कॉलम संख्या 3 में 1846 के स्थान पर 1946 पढ़ा जाये।

पृष्ठ संख्या 2872 गांव वीरमपुरा, पंकित संख्या 58, कॉलम संख्या 3 में 1847 के स्थान पर 1947 पढ़ा जाये।

पृष्ठ संख्या 2875 गांव बीजापुर, पंकित संख्या 82, कॉलम संख्या 5 में 03 के स्थान पर 02 पढ़ा जाये।

[फा. सं. आर-25011/9/2011-ओ.आर.-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 28th September, 2011

S.O. 2788.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. 971 dated 06 April 2011 published in the Gazette of India dated 09 April 2011 as under, namely;

Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. 971 dated 06 April 2011 published in the Gazette of India dated 09 April 2011 as under, namely:

In the schedule—

at page No. 2880 against village Nana, in 59th line, column No. 3 in place "548(Govt. Land)" the figure "548" shall be substituted.

at page No. 2881 against village Chamunderi, in 28th line, column No. 5 in place "07" the figure "00" shall be substituted.

at page No. 2884 against village Bhajond, in 22nd line, column No. 3 in place "1878" the figure "1078" shall be substituted.

at page No. 2884 against village Becejapur, in 76th line, column No. 5 in place "03" the figure "02" shall be substituted.

at page No. 2885 against village Patawa, in 70th line, column No. 5 in place "10" the figure "00" shall be substituted.

[F. No. R-25011/9/2011/O.R.-1]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2789.—केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2958 दिनांक 25 नवम्बर, 2010 भारत के राजपत्र दिनांक 4 दिसम्बर, 2010 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 8274 गांव रामपुरा, पंकित संख्या 36, कॉलम संख्या 4 में 6 के स्थान पर 00 पढ़ा जाये।

पृष्ठ संख्या 8274 गांव रामपुरा, पंकित संख्या 43, कॉलम संख्या 3 में 559/82 (सरकारी भूमि) के स्थान पर 559/82 पढ़ा जाये।

पृष्ठ संख्या 8274 गांव रामपुरा, पंकित संख्या 49, कॉलम संख्या 3 में 557/46 (सरकारी भूमि) के स्थान पर 557/46 पढ़ा जाये।

[फा. सं. आर-25011/44/2010-ओ.आर.-1]

बी. के. दत्ता, अवर सचिव

New Delhi, the 28th September, 2011

S.O. 2789.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. 2958 dated 25 November 2010 published in the Gazette of India dated 4 December 2010 as under, namely;

In the schedule -

at page No. 8277 against village Rampura, in 27th line, Column No. 4 in place "6" the figure "00" shall be substituted.

at page No. 8277 against village Rampura, in 34th line, Column No. 3 in place "559/82 (Govt. Land)" the figure "559/82" shall be substituted.

at page No. 8277 against village Rampura, in 40th line, Column No. 3 in place "557/46 (Govt. Land)" the figure "557/46" shall be substituted.

[F. No. R-25011/44/2010/O.R.-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2790.—केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 381 दिनांक 31 जनवरी, 2011 भारत के राजपत्र दिनांक 5 फरवरी, 2011 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है :

पृष्ठ संख्या 1045 गांव देवली, पंकित संख्या 46, कॉलम संख्या 3 में 1049 (सरकारी भूमि) के स्थान पर 1049 पढ़ा जाये।

पृष्ठ संख्या 1047 गांव गुड़ा केररिंग, पंकित संख्या 1, कॉलम संख्या 3 में 681/1 के स्थान पर 681/3 पढ़ा जाये।

पृष्ठ संख्या 1047 गांव आंगदोष, पंकित संख्या 43, कॉलम संख्या 3 में 228 के स्थान पर 328 पढ़ा जाये।

पृष्ठ संख्या 1047 गांव गादना के स्थान पर गादना पढ़ा जाये।

पृष्ठ संख्या 1047 गांव गादना, पंकित संख्या 64, कॉलम संख्या 3 में 20 (सरकारी भूमि) के स्थान पर 200 (सरकारी भूमि) पढ़ा जाये।

[फा. सं. आर-25011/5/2011-ओ.आर.-I]

बी. के. दत्ता, अवर सचिव

New Delhi, the 28th September, 2011

S.O. 2790.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. No. 381 dated 31 st January, 2011 published in the Gazette of India dated 05th February, 2011 as under, namely;

In the schedule -

at page No. 1051 against village Deoli, in 32nd line, Column No. 3 in place "1049(Govt. Land)" the figure "1049" shall be substituted.

at page no. 1052 against village Guda Kesarsingh, in 36th line, Column No. 3 in place "681/1" the figure "681/3" shall be substituted.

at page No. 1052 against village Angdosh, in 78th line, Column No. 3 in place "228" the figure "328" shall be substituted.

at page No. 1053 against village Bari, in 65th line, Column No. 6 in place "50" the figure "90" shall be substituted.

[F. No. R-25011/5/2011/O.R.-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2791.—केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 430 दिनांक 10 फरवरी, 2011 भारत के राजपत्र दिनांक 12 फरवरी, 2011 में प्रकाशित अधिसूचना की अनुसूची में निम्नलिखित संशोधन करती है।

पृष्ठ संख्या 1182 गांव बड़ौदा के स्थान पर बड़ौद पढ़ा जाये।

पृष्ठ संख्या 1183 गांव पदमपुरा, पंकित संख्या 32, कॉलम संख्या 3 में 37/159 के स्थान पर 37/160 पढ़ा जाये।

पृष्ठ संख्या 1184 गांव नाडोल, पंकित संख्या 67, कॉलम संख्या 3 में 3283/5568/1 के स्थान पर 3283/5568 पढ़ा जाये।

पृष्ठ संख्या 1184 गांव नाडोल, पंकित संख्या 70, कॉलम संख्या 3 में 3283/5568/5848 के स्थान पर 3283/5848 पढ़ा जाये।

[फा. सं. आर-25011/7/2011-ओ.आर.-I]

बी. के. दत्ता, अवर सचिव

New Delhi, the 28th Septembe, 2011

S.O. 2791.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Petroleum and Natural Gas published vide S.O. 430 dated 10 February 2011 published in the Gazette of India dated 12 February 2011 as under, namely;

In the schedule—

at page No. 1188 against village Padampura, in 73rd line, Column No. 3 in place "37/159" the figure "37/160" shall be substituted.

at page No. 1189 against village Dalop, in 6th line, Column No. 3 in place "361/894(Govt. Land)" the figure "361" shall be substituted.

at page No. 1190 against village Nadol, in 23rd line, Column No. 3 in place "3283/5568/1" the figure "3283/5568" shall be substituted.

at page No. 1190 against village Nadol, in 26th line, Column No. 3 in place "3283/5568/5848" the figure "3283/5848" shall be substituted.

[F. No. R-25011/7/2011/O.R.-I]

B. K. DATTA, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2011

का. आ. 2792.—भारत सरकार ने, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना यथा का.आ. 2431(अ) तारीख 27 अक्टूबर, 2010 द्वारा, उम्म अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में, मैसर्स रिलाएंस इन्डस्ट्रीज लिमिटेड के आन्ध्र प्रदेश में पूर्वी तट पर ऑनशोर टर्मिनल से देश के विभिन्न हिस्सों में उपर्योक्ताओं तक प्राकृतिक गैस के परिवहन के लिए, मैसर्स रिलोजिस्टिक्स इनफ्रास्ट्रक्चर लिमिटेड द्वारा काकीनाड़ा-वासुदेवपुर-हावड़ा गैस पाइपलाइन विधाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और, उक्त गजपत्र अधिसूचना की प्रतियाँ जनता को तारीख **19 अक्टूबर, 2011** की अथवा उसमें पूर्व उपलब्ध कर दी गई थीं;

और, पाइपलाइन विधाने के सम्बन्ध में, जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है, और अनुमति दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन भारत सरकार को अपनी रिपोर्ट दे दी है;

और, भारत सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन विधाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः, अब, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदल शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन विधाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, भारत सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदल शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से भारत सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त, मैसर्स रिलोजिस्टिक्स इनफ्रास्ट्रक्चर लिमिटेड में निहित होगा।

अनुसूची

संख्या/ नंबर/ लोकल/ लोकल/ पत्रापुर	विनिर्दिष्ट शक्ति	गति औषिता	आर-ओ-यू अर्जित करने के लिए स्टेटफल		
			हेक्टेयर	एकर	सि-एकर
पाँच का नाम	संख्या/ संख्या डिविजन सं.		1	2	3
1) पन्नागन	332/476		00	00	65
	331/475		00	01	36
	329/473		00	01	88
	262/366		00	15	24
	261/365		00	05	26
	260/364		00	02	97
	371		00	04	27
	251/354		00	05	11
	250/353		00	03	96
	248/351		00	03	68
	243/346		00	04	19
	241/344		00	03	54
	236/338		00	03	63

		1	2	3	4	5
1)	(गोपीनाथ)	232/334 230/332 229/331 225/327 175/250 240 168/239 53/69 49/65 50/66 51/67 20/24		00 00 00 00 00 00 00 00 00 00 00 00	02 04 03 05 00 01 07 02 12 14 00 06	95 46 93 13 50 97 78 65 66 78 97 80
2)	मानसाधारु	855 250 206 185 184 183 182 179 178 177 176 174 22 23		00 00 00 00 00 00 00 00 00 00 00 00 00	05 02 01 00 03 01 00 00 00 01 02 03 08	46 68 17 55 17 21 34 24 43 09 14 58 98 42

निवास/ नवायिक/ नालुक/ चिकित्सा	जिला/ ग्रामपंचायती	ग्रन्थ/ आर्द्धग्रन्थ	पृष्ठा
इन्हें उत्तमामर्भित्वी	1394	00	08
	1395	00	03
	1402	00	00
	1408	00	03
	1409	00	06
	1412	00	03
	1257	00	16
	1258	00	02
	1244	00	01
	1251	00	00
	1245	00	05
	1243	00	06
	1238	00	08
	1235	00	00
	1239	00	03
	1242	00	00
	1240	00	02
	1094	00	07
	1105	00	04
	1103	00	00
	1108	00	01
	1107	00	06
	1113	00	02
	1114	00	00
	1119	00	04
	1112	00	10
	1120	00	07

			3	4	5
1) लोकप्रिय (निम्न)	1110	00	00	20	
	1128	00	03	22	
	1127	00	00	89	
	1013	00	06	59	
	1014	00	07	98	
	1001	00	05	68	
	989	00	00	12	
	990	00	10	47	
	988	00	00	11	
	991	00	03	93	
	985	00	02	42	
	959	00	07	99	
	960	00	06	24	
	431	00	06	53	
	432	00	04	34	
2) नवीनता कार्य	925	00	00	88	
	280/924	00	02	48	
	279/921	00	04	77	
	278/920	00	05	69	
	277/919	00	05	82	
	274/915	00	02	72	
	273/914	00	00	48	
	275/916	00	08	17	
	918	00	00	10	
	276/917	00	00	92	
	271/912	00	06	77	
	269/910	00	04	29	
	268/909	00	02	56	
	267/908	00	00	58	
	1927755	00	00	54	
	196/759	00	04	26	
	197/760	00	04	58	
	198/761	00	03	61	
	762	00	01	27	
	201/770	00	02	65	
	769	00	02	26	
	202/771	00	05	14	
	203/773	00	04	58	
	775	00	00	47	
	776	00	01	44	
	777	00	01	56	
	778	00	01	18	
	206/782	00	03	58	
	205/781	00	01	13	
	789	00	04	21	
	210/788	00	00	45	
	787	00	02	44	
	209/786	00	01	97	
	784	00	12	45	
	208/785	00	01	16	
	803	00	01	14	
	219/804	00	07	42	
	220/805	00	09	08	
3) लोमाकुर्दीया	347/936	00	11	07	
	356/945	00	08	78	

3	4	5	6	7
3) शामकुड़ीया (नियंत्र)	352/941	00	05	15
	353/942	00	06	68
	355/944	00	02	18
	354/943	00	09	26
	339/926	00	04	68
	338/925	00	01	54
	334/918	00	02	68
	316/900	00	13	96
	318/902	00	02	72
	319/903	00	07	03
	331/915	00	02	60
	321/905	00	03	06
	311/893	00	01	96
	304/886	00	05	71
	305/887	00	00	37
	302/884	00	03	46
	303/885	00	04	88
	291/867	00	00	10
	298/879	00	00	34
	873	00	03	59
4) दानापुर	327/640	00	00	10
	324/635	00	12	06
	288/568	00	37	41
	291/573	00	07	38
	292/574	00	08	39
	284/556	00	00	38
	293/575	00	06	94
	294/576	00	00	57
	282/554	00	06	89
	60/127	00	10	73
	128	00	01	08
	62/130	00	08	77
	138	00	00	51
	135	00	01	82
	133	00	03	82
	64/134	00	02	17
	132	00	00	66
	75/153	00	03	50
	74/152	00	02	44
	81/161	00	12	92
	80/160	00	01	84
	82/162	00	05	80

1	2	3	4	5
४ इमारपुर (निम्न)	92/178	00	00	10
	177	00	01	51
	86/167	00	00	10
	65/136	00	03	34
५ बुधानगर	232/812	00	05	95
	226/805	00	00	59
	235/815	00	03	58
	234/814	90	02	22
	236/816	00	04	80
	219/798	00	08	84
	218/797	00	05	12
	782	00	01	92
	781	00	01	24
	780	00	01	98
	779	00	02	97
	207/777	00	00	52
	208/778	00	05	98
	227/806	00	01	49

[फा सं. एल.-14014/53/2010-जी.पी.]

के. के. शर्मा, अवर सचिव

New Delhi, the 3rd October, 2011

S. O. 2792.—Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2431(E) dated 27th September, 2010, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire the Right of User in the land, specified in the Schedule appended to that notification for the purpose of laying Kakinada-Basudebpur-Howrah gas pipeline for transportation of natural gas from onshore terminal at East coast of Andhra Pradesh of M/s Reliance Industries Limited by M/s Relogistics Infrastructure Limited to the consumers in various parts of the country;

And whereas, the copies of the said Gazette notification were made available to the public on or before 19th February, 2011,

And whereas, the objections received from the public to the laying of the pipeline have been considered and disallowed by the Competent Authority;

And whereas, the Competent Authority has under sub-section (1) of Section 6 of the said Act submitted report to the Government of India;

And whereas, Government of India, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the Right of User therein:

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, Government of India hereby declares that the Right of User in the land, specified in the Schedule, appended to this notification, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, Government of India hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in Government of India, vest on the date of publication of the declaration, in M/s Relogistics Infrastructure Limited, free from all encumbrances.

Schedule

Mandal/Tehsil/Taluk:Patrapur		District:Ganjam	State:Orissa		
Village	Survey No./Sub-Division	Area to be acquired for ROU			
		Hec	Are	C-Are	
1	2	3	4	5	
1) Pammagan	332/476	00	00	65	
	331/475	00	01	36	
	329/473	00	01	88	
	262/366	00	15	24	
	261/365	00	05	26	
	260/364	00	02	97	
	371	00	04	27	
	251/354	00	05	11	
	250/353	00	03	96	
	248/351	00	04	68	
	243/346	00	04	19	
	241/344	00	03	54	
	236/338	00	03	63	
	232/334	00	02	95	
	230/332	00	04	46	
	229/331	00	03	93	
	225/327	00	05	15	
	175/250	00	00	50	
	240	00	01	97	
	168/239	00	07	78	
	53/69	00	02	65	
	49/65	00	12	66	
	50/66	00	14	78	
	51/67	00	00	97	
	20/24	00	00	80	
2) Saradhapur	855	00	05	46	
	250	00	02	68	
	206	00	01	17	
	185	00	00	55	
	184	00	03	17	
	183	00	01	21	
	182	00	00	34	
	179	00	00	24	
	178	00	00	43	
	177	00	01	09	
	176	00	02	14	
	174	00	03	58	

1	2	3	4	5
Mandal/Tehsil/Taluk:Chikiti	District: Ganjam	State: Orissa		
2) Seradhapur (Contd)	22	00	09	98
	23	00	08	42
1) Deulamadeli	1394	00	08	06
	1395	00	03	17
	1402	00	00	40
	1408	00	03	39
	1409	00	06	66
	1412	00	03	81
	1257	00	16	22
	1258	00	02	36
	1244	00	01	69
	1251	00	00	43
	1245	00	05	67
	1243	00	06	87
	1238	00	08	83
	1235	00	00	98
	1239	00	03	88
	1242	00	00	67
	1240	00	02	33
	1094	00	07	06
	1105	00	04	40
	1103	00	00	10
	1108	00	01	99
	1107	00	06	43
	1113	00	02	36
	1114	00	00	10
	1119	00	04	48
	1112	00	10	08
	1120	00	07	06
	1110	00	00	20
	1128	00	03	22
	1127	00	00	89
	1013	00	06	59
	1014	00	07	98
	1001	00	05	68
	989	00	00	12
	990	00	10	47
	988	00	00	11
	991	00	03	93
	985	00	02	42
	959	00	07	99
	960	00	06	24

1	1	2	3	4	5
1) Deulamadeli (Contd)		431	00	06	53
		432	00	04	34
2) Gopinathapur		925	00	00	88
		280/924	00	02	48
		279/921	00	04	77
		278/920	00	05	69
		277/919	00	05	82
		274/915	00	02	72
		273/914	00	00	48
		275/916	00	08	17
		918	00	00	10
		276/917	00	00	92
		271/912	00	06	77
		269/910	00	04	29
		268/909	00	02	56
		267/908	00	00	58
		192/755	00	00	54
		196/759	00	04	26
		197/760	00	04	58
		198/761	00	03	61
		762	00	01	27
		201/770	00	02	65
		769	00	02	26
		202/771	00	05	14
		203/773	00	04	58
		775	00	00	47
		776	00	01	44
		777	00	01	56
		778	00	01	18
		206/782	00	03	58
		205/781	00	01	13
		789	00	04	21
		210/788	00	00	45
		787	00	02	44
		209/786	00	01	97
		784	00	12	45
		208/785	00	01	16
		803	00	01	14
		219/804	00	07	42
		220/805	00	09	08
3) Limakudia		347/936	00	11	07
		356/945	00	08	78

1	2	3	4	5
3) Limakudia (Contd)				
352/941	00	05	15	
353/942	00	06	68	
355/944	00	02	18	
354/943	00	09	26	
339/926	00	04	68	
338/925	00	01	54	
334/918	00	02	68	
316/900	00	13	96	
318/902	00	02	72	
319/903	00	07	03	
331/915	00	02	60	
321/905	00	03	06	
311/893	00	01	96	
304/886	00	05	71	
305/887	00	00	37	
302/884	00	03	46	
303/885	00	04	88	
291/867	00	00	10	
298/879	00	00	34	
873	00	03	59	
4) Danapur				
327/640	00	00	10	
324/635	00	12	06	
288/568	00	37	41	
291/573	00	07	38	
292/574	00	08	39	
284/556	00	00	38	
293/575	00	06	94	
294/576	00	00	57	
282/554	00	06	89	
60/127	00	10	73	
128	00	01	08	
62/130	00	08	77	
138	00	00	51	
135	00	01	82	
133	00	03	82	
64/134	00	02	17	
132	00	00	66	
75/153	00	03	50	
74/152	00	02	44	
81/161	00	12	92	
80/160	00	01	84	
82/162	00	05	80	

	1	2	3	4	5
4) Dhamrai (Contd.)	92/178	00	00	10	
	177	00	01	51	
	86/167	00	00	10	
	65/136	00	03	34	
5) Krishnagar	232/812	00	05	95	
	226/805	00	00	59	
	235/815	00	03	58	
	234/814	00	02	22	
	236/816	00	04	80	
	219/798	00	08	84	
	218/797	00	05	12	
	782	00	01	92	
	781	00	01	24	
	780	00	01	98	
	779	00	02	97	
	207/777	00	00	52	
	208/778	00	05	98	
	227/806	00	01	49	

F. No. L-14014/53/2010-G.P.]

K. K. SHARMA, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2011

का. आ. 2793.—भारत सरकार को लोकहित में यह आवश्यक पर्तीत होता है कि तमिलनाडु में निरुत्तर्नी के पास विजयवाडा-नैल्लोर-चैन्नई पाइपलाइन के टर्मिनल प्लाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए ऐसर्स रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-वंगलौर-मंगलौर पाइपलाइन विछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक पर्तीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री के.मल्लीनाथ, सक्षम प्राधिकारी, रिलोजिस्टिक्स इन्फ्रास्ट्रक्चर लिमिटेड, 74, पांचवां मंजिल, प्रेस्टीज फेरोज, कनिंगहाम रोड, वंगलौर - 560 052, कर्नाटक राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक : तुमकुरे		जिला : तुमकुर	राज्य : कर्नाटक		
गाँव का नाम		सर्वे सं./सब डिक्षिण सं.	आर-ओ-यू-अर्जित करने के लिए बेतफल		
1	2	3	4	5	
1) कोलगड़ कावल	2/2	00	74	61	
	1	00	19	56	
2) आनेकोरे					
	सर्वे नं 91 और 92 के बीच में रोड	00	13	55	
	सर्वे नं 18 और 137 के बीच में नाला	00	02	00	
	92	00	23	84	
	91	00	09	14	
	89/4बी	00	03	53	
	89/4ए	00	13	29	
	889/3बी	00	15	13	
	88/2	00	26	72	
	88/1ए2	00	26	97	
	88/1ए1	00	06	26	
	87/2बी	00	01	98	
	87/2ए	00	01	63	
	87/1	00	32	95	
	86	00	02	27	
	71	00	34	87	
	69/3	00	08	97	
	69/2	00	07	01	
	69/1	00	46	77	
	3	00	52	08	
	25	00	05	25	
	22/3	00	25	40	
	21/1	00	35	75	
	20/2	00	26	39	
	20/1	00	26	26	
	2	00	23	31	
	18/2	00	00	85	
	18/1	00	22	08	
	173	00	35	52	
	143/1	00	14	86	
	142/2	00	08	60	

1	2	3	4	5
2) आनेकेरे (निरंतर)	141 137	00 00	35 01	58 22

[का. आ. 2454(अ) दिनांक 30.09.2010 से 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल]

[फा सं. एल.-14014/67/2010-जी.पी.]

के. के. शर्मा, अवर संचय

New Delhi, the 3rd October, 2011

S.O. 2793.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada-Nellore-Chennai pipeline near Tiruttani in TamilNadu to consumers in various parts of the country, Chennai - Bangalore - Mangalore pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to K.Mallinath, Competent Authority, Relogistics Infrastructure Limited, #74, 5th Floor, Prestige Feroze, Cunningham Road, Bangalore-560052, Karnataka State.

Schedule

Taluk: Turuvekere		District: Tumkur		State: Karnataka		
Village	Survey No./Sub-Division No.	Area to be acquired for RoU				
		Hec	Are	C-Are		
1	2	3	4	5		
1) Kolagatta Kaval	2/2 1	00 00	74 19	61 56		
2) Anekere	Road between Sy. No. 91 & 92 Nala between Sy. No. 18 & 137 92 91 89/4B 89/4A 89/3B 88/2	00 00 00 00 00 00 00 00	13 02 23 09 03 13 15 26	55 00 84 14 53 29 13 72		

1	2	3	4	5
2) Anekere(contd)	88/1A2	00	26	97
	88/1A1	00	06	26
	87/2B	00	01	98
	87/2A	00	01	63
	87/1	00	32	95
	86	00	02	27
	71	00	34	87
	69/3	00	08	97
	69/2	00	07	01
	69/1	00	46	77
	3	00	52	08
	25	00	05	25
	22/3	00	25	40
	21/1	00	35	75
	20/2	00	26	39
	20/1	00	26	26
	2	00	23	31
	18/2	00	00	85
	18/1	00	22	08
	173	00	35	52
	143/1	00	14	86
	142/2	00	08	60
	141	00	35	58
	137	00	01	22

[Additional Annexure to 3(1) Notification SO 2454, dated 30/09/2010]

F. No. L-14014/67/2010-G.P.]
K. K. SHARMA, Under Secy.

नई दिल्ली, 3 अक्टूबर, 2011

का. आ. 2794.—भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि तमिलनाडु में तिस्तनी के पास विजयवाड़ा-नैल्लोर-चैन्नई पाइपलाइन के टर्मिनल प्लाइंट से देश के विभिन्न हिस्सों में उपभोक्ताओं तक प्राकृतिक गैस के परिवहन के लिए मैसर्स रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड द्वारा चैन्नई-ट्यूटीकोरिन पाइपलाइन विछाई जानी चाहिए;

और, भारत सरकार को उक्त पाइपलाइन विछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन विछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपावच्छ अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवच्छ है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इकीसां दिन के भीतर भूमि के नीचे पाइपलाइन विछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री वी. वेंकटमुल्य, सक्षम प्राधिकारी, रिलोजिसटिक्स इन्फ्रास्ट्रक्चर लिमिटेड, न. 89, डॉ. राधाकृष्णन सलाई, छठवीं मंजिल, मैलापुर, चैन्नई - 600004, तमिलनाडु राज्य को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तालुक & चेय्यार	जिला शिरुवनामलाई	राज्य इतिहास	आर औ यू अर्जित करने के लिए ब्रेकफल				
			हेक्टेय	एयर	स्ट्रिंगर		
गाँव का नाम	सर्वे सं./ सब डिविजन सं.		1	2	3	4	5
1) सिरुनवलपट्टु	84/2सी		00	00	57		
	83/2		00	08	12		
	83/1		00	01	38		
	82/5		00	00	10		
	383/3वी		00	00	52		
	383/3ए		00	01	91		
	378		00	01	62		
	377/2		00	00	30		
	375/6		00	00	27		
	375/5		00	00	15		
	374/5वी		00	00	10		
	374/5ए		00	01	58		
	374/4		00	00	70		
	374/3		00	06	33		
	374/2		00	06	68		
	374/1वी		00	06	19		
	374/1ए		00	02	77		
	371/2		00	00	10		
	371/1		00	05	23		
	370/5		00	01	31		
	370/4		00	00	47		
	370/3		00	08	20		
	370/2		00	13	62		
	370/1वी		00	04	03		
	370/1ए		00	02	12		
	356*		00	05	80		
	297, 298, 299, 306, 307 और 387*		00	21	41		
	153		00	20	35		
	129/2वी		00	19	73		
2) नद्दीरी	601/1		00	10	54		
	600/6		00	23	46		
	600/5		00	10	83		
	600/3		00	00	18		
	594/2		00	00	54		
	593/4		00	27	28		
	592/3		00	00	73		
	592/2		00	17	01		

1	2	3	4	5
2) नड्डी (निरंतर)	592/1	00	02	31
	591/1ए	00	00	26
	589/3	00	10	16
	589/2वी	00	10	72
	589/1	00	03	34
	587/4	00	01	14
	587/3	00	17	54
	587/2	00	04	41
	587/1	00	01	56
	583/7	00	01	08
	583/6	00	01	57
	583/5	00	18	73
	583/4	00	02	21
	583/2	00	09	91
	583/1	00	11	80
	582/7	00	00	18
	582/6वी2	00	00	18
	580/3	00	01	09
	580/2सी	00	13	39
	580/2वी	00	07	68
	577/2	00	00	33
	577/1ए	00	19	63
	576/5वी	00	05	87
	576/5ए	00	32	90
	576/4वी	00	02	03
	571	00	01	20
	570	00	02	87
	568/18	00	13	71
	568/17	00	06	39
	567/9	00	03	72
	567/8	00	10	24
	567/5डी	00	02	16
	567/5सी	00	04	44
	567/5वी	00	05	94
	567/5ए	00	04	51
	567/4	00	07	10
	567/3	00	08	52
	567/2वी	00	16	64

1	2	3	4	5
2) नट्टेरी (निरंतर)	567/15	00	04	53
	567/10वी	00	00	43
	567/10ए	00	02	77
	566	00	01	64
	556/4	00	04	08
	556/3	00	01	39
	556/2	00	03	74
	556/1	00	16	40
	555/9	00	07	98
	555/8	00	01	58
	555/7	00	01	55
	555/5	00	00	45
	555/11	00	20	02
	555/10वी	00	04	89
	555/10ए	00	07	45
	553	00	07	48
	552/9	00	05	07
	552/8	00	07	46
	552/6	00	03	20
	552/5	00	09	38
	552/4	00	03	82
	552/3	00	08	70
	552/2	00	03	36
	552/11	00	00	64
	552/10	00	02	72
	552/1	00	01	89
	494	00	48	13
	492	00	43	47
	489/9	00	06	08
	489/8	00	00	93
	489/11	00	00	55
	489/10	00	16	35
	483/9ए	00	11	42
	483/7ए	00	11	35
	483/6	00	00	45
	483/5	00	02	04
	482/7	00	01	92
	482/6वी	00	10	66

1	2	3	4	5
2) नहरी (निरंतर)	482/6वी	00	05	19
	482/6ए	00	02	36
	479/6	00	04	91
	478/9ए	00	00	11
	478/5	00	26	02
	478/4	00	11	33
	478/3	00	18	65
	478/2	00	00	26
	477/9	00	03	50
	477/5	00	01	71
	477/10	00	10	36
	447	00	00	21
	446/1	00	02	91
	443/4	00	06	50
	443/3वी	00	00	52
	443/3ए	00	39	64
	443/2	00	08	69
	443/1ए	00	04	77
	435/9	00	05	43
	435/8	00	01	19
	435/6	00	02	32
	435/5	00	12	31
	435/4	00	03	79
	435/3	00	02	50
	435/12	00	00	61
	435/10	00	02	26
	435/1	00	08	80
	433/9	00	02	53
	433/8	00	04	11
	433/7	00	04	78
	433/6वी	00	06	75
	433/6ए	00	07	58
	433/5	00	06	78
	433/4	00	01	72
	433/2	00	02	57
	433/11	00	00	19
	433/10	00	01	47
	433/1	00	31	06

1	2	3	4	5
2) निरंतर (निरंतर)	429*	00	21	08
	420/8	00	09	06
	420/7	00	10	26
	420/6वी	00	17	32
	420/6ए	00	04	80
	420/5	00	01	24
	416*	00	43	67
	415*	00	00	80
	399*	00	19	41
	397/4	00	03	50
	397/3	00	12	29
	397/2वी	00	15	16
	397/2ए	00	13	02
	397/1सी	00	00	10
	396/9एच	00	02	22
	396/9जी	00	09	19
	396/9एफ	00	14	11
	396/9इ	00	01	45
	396/6	00	21	55
	394*	00	13	92
	393	00	00	90
3) धेनमपट्टु	547*	00	15	42
	546*	00	08	05
	514*	00	04	35
	511	00	01	01
	510/4सो2	00	00	25
	483	00	18	21
	479*	00	21	73
	477*	00	01	42
	468*	00	40	58
	447	00	96	17
	442	00	01	36
	432	00	00	27
	431	00	23	11
	430	00	04	66
	421/4	00	18	68
	421/3	00	30	22
	421/2	00	10	35

1	2	3	4	5
3) धेनुमपट्ट (निरंतर)	421/1	00	05	08
	420/2	00	25	86
	413/2	00	05	12
	413/1की	00	02	12
	413/1ए	00	36	95
	412	00	18	11
	411/6	00	06	62
	411/2	00	09	65
	411/1	00	02	93
	386*	00	12	16
	385/2की	00	26	29
	385/2ए	00	02	07
	378/1के 2	00	06	14
	378/1के 1की	00	03	96
	378/1के 1ए	00	54	36
	378/1की	00	01	23
	364	00	02	13
	363/3की	00	04	94
	363/3ए	00	33	83
	363/2ओ	00	06	01
	363/2एन	00	00	14
	357/6	00	04	40
	357/5	00	10	76
	357/4की	00	01	29
	357/3की	00	07	27
	357/3ए	00	04	75
	357/2की	00	00	76
	356/4	00	02	66
	356/3	00	11	67
	356/2	00	13	55
	345/6	00	01	93
	345/4	00	26	54
	345/3	00	18	18
	345/2	00	00	78
4) मेलवुडेरी	175*	00	13	90
	154/2	00	01	09
	154/1की	00	29	25
	154/1ए	00	00	99

1	2	3	4	5
4) गेलबुडेरी (निरंतर)	150*	00	06	60
	149*	00	34	00
	146	00	08	10
	137	00	28	80
	131*	00	24	58
	130/2	00	00	73
	128/वी/2सी1	00	00	52
	128/वी/2वी2	00	22	56
	127/ए/2ए	00	14	90
	127/ए/1	00	08	50
5) मोरानम	326*	00	11	64
	325/3	00	33	98
	324*	00	08	81
	318	00	25	65
	317	00	40	40
	316/1	00	63	17
	309/3	00	49	01
	309/2	00	03	30
	309/1	00	03	50
	308	00	58	01
	307/2	00	49	70
	307/1	00	03	05
	302/2	00	04	63
	296	00	48	24
	295	00	09	13
	290/3	00	10	42
	155*	00	00	97
	152/3	00	05	46
	152/2	00	18	05
	152/1	00	06	61
6) तलरापाडी	211	00	01	22
	210	00	05	40
	205	00	12	85
	178/वी/5	00	00	10
	178/वी/4	00	02	86
	178/वी/3वी	00	00	55
	178/वी/3ए	00	09	78
	178/वी/2	00	19	86

1	2	3	4	5
6) तलरापडी (निरंतर)	178/वी/1 178/ए 176/2 176/1वी 176/1ए 173/ए 17* 169/1वी3 169/1वी2 169/1ए2 168/2सी 168/2वी 168/2ए 168/1 167/3 167/2 166/1ए	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	27 05 11 09 14 04 32 11 12 14 00 00 14 27 10 53 84 52 31 28	82 43 09 17 51 60 71 71 11 27 48 10 27 84 52 31 92 96 40 80 27 37 42 10 96 07 10 38 22 30 03 47 58 77 13 10 16
7) मुनुकापड़ु	247* 246/7 246/6वी 246/6ए 246/5वी 246/5ए 246/4 246/3वी 246/2 246/1डी 246/1सी 240 239/6ए 239/5सी 239/5वी 239/5ए 239/4 239/3 239/2वी 239/2ए 238/2	00 00	17 06 01 10 10 12 13 00 02 05 00 04 03 08 07 13 13 02 12 00 00	92 96 40 80 27 37 42 10 96 07 10 38 22 30 03 47 58 77 13 10 16

1	2	3	4	5
7.) दुनिकापू (निरंतर)	238/1	00	03	04
	237	00	02	85
	236	00	01	62
	235/4	00	05	64
	235/3सी	00	06	05
	235/3ए	00	02	17
	228/7	00	00	51
	228/11ए	00	08	48
	228/10	00	06	53
	21/1सी	00	01	41
	204/6	00	01	52
	204/5	00	11	31
	204/4	00	01	57
	204/1	00	00	10
	203/4	00	12	71
	203/3	00	03	35
	201/5	00	07	15
	201/4	00	00	10
	201/3	00	02	12
	201/2	00	06	43
	201/1	00	00	99
	190/3	00	02	29
	190/2डी	00	07	12
	190/2सी	00	04	94
	190/2गी	00	09	88
	190/2ए	00	00	18
	190/1	00	01	13
	189/2गी	00	02	92
	189/2ए	00	10	27
	188	00	08	28
	187/7	00	00	24
	186/3ए	00	04	07
	186/2	00	05	03
	186/1	00	01	34
	182/1	00	00	54
	181	00	01	78
	180/2	00	02	42
	180/1	00	07	77

1	2	3	4	5
7) मुनुकापट्ट (निरंतर)	179/2	00	00	36
	179/1बी	00	00	80
	179/1ए	00	05	42
	178	00	07	58
	177/3बी	00	04	33
	177/3ए	00	04	70
	177/1सी	00	03	41
	176/2	00	04	78
	172/3	00	00	10
	171/3	00	00	33
	171/2बी	00	10	17
	171/2ए1	00	07	32
	171/1	00	02	85
	142	00	02	95
	141/4बी	00	05	92
	141/3	00	09	49
	141/2सी	00	00	56
	141/2ए	00	01	59
	140	00	00	39
	138	00	03	07
	137/9बी	00	03	96
	137/8बी	00	04	83
	137/6आइ	00	00	10
	137/6एव	00	01	28
	137/6जी	00	07	29
	137/6एफ	00	01	06
	137/6ई	00	05	42
	137/6डी	00	02	03
	137/6बी	00	02	26
	137/6ए	00	03	37
	137/5	00	08	40
	137/4बी	00	03	49
	137/4ए	00	04	60
	137/2बी	00	05	77
	137/2ए	00	01	57
	137/10बी	00	07	47
	136	00	01	79
	135/9	00	03	01

1	2	3	4	5
7) शुक्रपद (निरंतर)	135/6 135/4 135/2जी 135/12 135/11वी 135/10ए 130/5ए 130/3 130/2वी 126/6ए 126/5सी 126/5वी 126/5ए 126/4डी 126/4वी 126/4ए 126/3 126/2 126/1वी 126/1ए	00 00	12 11 05 02 10 08 21 18 02 01 01 02 17 02 12 08 05 02 01 00	71 35 64 81 15 34 78 79 23 63 14 98 17 17 83 55 73 79 51 15 60
8) थीरुमनी	94/22 94/21 93/7 93/5 93/4 93/3 93/11वी 93/11ए 93/1 406/2 397/8 397/7 397/4 397/3 397/1 396 394/5 394/3	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	19 11 02 00 16 18 06 13 02 44 05 04 00 37 03 69 36 18	04 54 97 40 56 10 91 38 39 29 78 13 62 63 31 46 76 70

1	2	3	4	5
8) धीरुमनी (निरंतर)	394/2	00	02	70
	394/1वी	00	08	46
	394/1ए	00	11	88
	332*	00	17	94
	261/2	00	03	94
	261/1	00	09	93
	260	00	10	85
	259	00	01	86
	258	00	08	55
	233/4	00	00	21
	233/3	00	02	65
	232/3	00	12	24
	231/8	00	00	65
	231/4	00	00	10
	231/3	00	16	59
	231/1	00	07	33
	225/1ए	00	02	18
	224/8	00	05	39
	224/6	00	06	12
	224/5	00	01	48
	224/4	00	00	85
	224/3	00	03	61
	224/1	00	00	87
	220/5	00	06	40
	219/1	00	16	71
	215/3	00	00	65
	215/2	00	09	50
	215/1	00	08	70
	199/2	00	11	05
	199/1	00	13	58
	197/2	00	00	11
	197/1	00	17	39
	196	00	03	81
	148/6	00	01	03
	148/5	00	10	19
	148/4	00	08	13
	148/3	00	02	51
	148/2	00	00	10

1	2	3	4	5
8) थीरमनी (निरंतर)	146/2 146/1 145/2 145/1 144/2 144/1	00 00 00 00 00 00	07 13 00 08 00 02	63 02 56 79 23 13
तालुक अपोलुर	जिला अंतिरुवन्नामलाई	राज्य अंतमिलनाडु		
1) इन्द्रावनम	197* 193 192* 177 176* 175 174* 162/वी* 160/6 160/5डी 160/5सी 160/5वी 160/4वी 159* 151/वी 151/ए	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	02 00 01 00 20 02 03 65 11 03 04 03 25 28 31 48	62 33 54 45 08 94 75 09 75 88 41 69 32 43 10 14
2) अप्पेडु	287 272* 260* 259* 258/2 258/1सी 258/1वी 248वी 248ए 246/5सी6 246/5सी5 246/5सी4 246/5सी2 246/5सी1 246/5वी3 246/5वी2	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	06 29 09 28 22 12 00 31 08 08 00 00 05 00 03 02 05	43 53 47 68 96 49 20 83 96 61 49 05 10 92 02 79

1	2	3	4	5
3) शोषणात्मी (निरंतर)	192*	00	39	54
	190/2	00	02	30
	189*	00	11	12
	183/2६	00	00	57
	183/2३ी	00	01	32
	182/3३ी	00	04	08
	182/3८	00	01	38
	182/2३ी	00	03	78
	182/2८५	00	03	25
	182/2८११	00	03	05
	180*	00	60	80
	128/7	00	01	02
	128/6	00	11	02
	128/5३ी	00	01	99
	128/5३ी	00	05	72
	128/5८	00	07	54
	128/4३ी	00	00	10
	128/4८	00	01	36
	122/9	00	01	37
	122/8	00	07	13
	122/7८	00	04	53
	122/5	00	00	85
	122/4	00	09	03
	122/3८	00	02	35
	122/11	00	00	47
	122/10	00	13	08
	121/2	00	03	40
	121/1	00	05	40
	120/3३ी	00	02	66
4) नामवेदु	95/5	00	01	11
	95/4	00	03	65
	95/3	00	00	21
	94*	00	05	46
	91*	00	00	64
	90*	00	05	52
	81*	00	02	03
	42/3३ी	00	04	00
	42/3३ी	00	06	25

1	2	3	4	5
4) नामवेदु (निरंतर)	17/9	00	06	54
	17/8वी	00-	03	09
	17/1ए5	00	06	97
	17/1ए4	00	05	03
	17/1ए3	00	02	06
	149/2	00	13	07
	149/1	00	01	95
	144/18एफ	00	07	18
	144/18ई	00	06	19
	144/17डी	00	03	39
	144/14ए	00	00	10
	143/3वी	00	04	21
	143/3ए	00	02	03
	143/2वी	00	02	30
	143/2ए	00	03	48
	143/1	00	16	46
	14*	00	07	33
	139*	00	09	40
	11*	00	15	01
5) देविमंगलम्	99/2	00	07	94
	99/1	00	12	58
	98	00	02	92
	97/15	00	09	33
	97/12	00	02	03
	97/11	00	00	10
	8/3	00	02	92
	8/2	00	01	21
	8/1	00	09	18
	7	00	15	09
	6/1	00	04	11
	5/3	00	01	66
	5/1ए	00	06	14
	41/2	00	00	62
	41/1	00	08	13
	40	00	14	57
	4	00	01	70
	37	00	13	93
	36/6	00	00	16

1	2	3	4	5
१) देविमंगलम् (निरंतर)	36/5बी	00	00	92
	36/5ए	00	00	33
	34/2	00	01	58
	33/20बी	00	02	08
	33/20ए	00	14	26
	33/16	00	13	94
	33/14	00	06	15
	33/13ए	00	01	35
	3/2	00	08	14
	3/1	00	12	39
	24/4	00	10	12
	24/2	00	00	11
	24/1ए	00	07	00
	23/5	00	07	23
	23/4	00	09	09
	23/2	00	06	93
	23/1	00	01	03
	22/6	00	18	95
	22/4	00	00	39
	2/3	00	07	00
	130/4बी	00	16	26
	125/4बी2	00	22	28
	124/2बी	00	03	88
	124/2ए	00	06	34
	124/1बी	00	10	16
	124/1ए	00	01	26
	123	00	81	02
	122/4सी	00	10	40
	122/4बी	00	06	64
	122/4ए	00	04	46
	109	00	35	41
	108/2बी3	00	05	90
	108/2ए	00	22	42
	102/3	00	00	10
	102/2ए	00	14	49
	102/1	00	03	39
	101/एफ	00	03	00
	101/1सी	00	09	50

1	2	3	4	5
4) कोलाप्पुर (निरंतर)	753*	00	06	38
	751/बी/5वी	00	09	27
	751/बी/5ए	00	15	53
	751/बी/4	00	07	45
	751/बी/3	00	15	69
	751/बी/2	00	12	16
	751/बी/1	00	01	75
	751/ए	00	03	10
	750	00	13	44
	746/3बी	00	00	10
	746/2	00	00	15
	746/1	00	11	25
	745/1डी	00	00	37
	745/1सी	00	16	00
	745/1बी	00	07	31
	744/3बी	00	05	20
	744/3ए	00	01	40
	744/2	00	01	85
	744/1बी	00	07	10
	744/1ए	00	03	65
	742/5	00	05	07
	742/4	00	01	96
	742/3	00	01	22
	742/2	00	01	29
	742/1	00	00	81
	740	00	30	43
	739/4	00	03	59
	739/3	00	04	09
	739/2	00	05	00
	739/1	00	01	57
	738/2सी	00	00	10
	738/2ए	00	02	73
	738/1बी	00	01	22
	738/1ए	00	14	24
5) गंगापुरम्	99/2	00	00	10
	99/1	00	17	74
	97/5	00	00	10
	97/4	00	17	94

1	2	3	4	5
5) गोपालपुरम् (निरंतर)	97/3	00	01	86
	97/2	00	01	36
	97/1	00	04	88
	95/5	00	00	75
	88/4	00	05	64
	89/2	00	04	90
	88/5	00	04	72
	88/4	00	05	16
	88/3	00	08	41
	88/2	00	00	60
	88/1	00	01	12
	87/1	00	03	95
	85/2	00	00	38
	85/1वी	00	06	74
	85/1ए	00	08	87
	84	00	14	20
	78	00	03	21
	75	00	08	96
	74/2	00	00	25
	74/1	00	10	69
	65/1	00	04	61
	63/3	00	04	32
	63/2	00	11	81
	63/1	00	05	64
	62/4	00	00	93
	62/3	00	01	68
	62/2	00	18	02
	61/3	00	15	14
	60	00	00	98
	59/3	00	00	72
	59/2ए	00	00	52
	59/1इ	00	00	76
	59/1धी	00	02	32
	59/1सी	00	04	08
	59/1घी	00	03	14
	59/1ए	00	10	67
	56*	00	38	42
	55	00	00	13

1	2	3	4	5
5) गंगापुरम् (निरंतर)	54	00	20	87
	49	00	00	10
	3/2डी	00	23	60
	3/2सी	00	00	46
	21	00	05	01
	20/2	00	01	15
	20/1	00	69	57
	2	00	24	93
	19	00	23	81
	146/4	00	00	70
	136/5	00	00	10
	135/3	00	03	33
	135/2वी	00	04	37
	135/2ए	00	15	68
	135/1वी	00	09	20
	135/1ए	00	04	50
	134/2वी	00	06	16
	133/3	00	00	20
	133/12	00	13	03
	133/11वी	00	04	16
	132/3ए	00	07	21
	131/3	00	03	78
	131/1	00	06	93
	129/5एफ	00	00	22
	129/5ई	00	02	02
	129/5सी	00	14	53
	129/5वी	00	11	37
	129/5ए	00	01	52
	129/4	00	00	10
	129/3	00	02	81
	129/2	00	00	91
	129/1डी	00	00	63
	129/1सी	00	17	79
	128/4ए	00	04	91
	128/3	00	00	21
	128/2ए	00	00	18
	128/1	00	01	03
	115/1वी	00	16	03

1	2	3	4	5
5) अंगमुक्ति (निरत)	114	00	01	78
	113/4	00	00	58
	113/3	00	03	34
	113/2	00	11	26
	113/1	00	07	29
	102/3	00	01	00
	102/2	00	15	41
	102/1	00	00	89
	101/2	00	00	23
	101/1	00	00	62
	100/5	00	05	89
	100/4	00	10	73
	100/3	00	01	74
	100/2	00	06	33
	100/1	00	00	10
	1	00	15	23

* का.आ. 2272 दिनांक 19.08.2009 में 3(1) की अधिसूचना का अतिरिक्त क्षेत्रफल

[फा सं. एल.-14014/47/2011-जी.पी.]

कै. के. शर्मा, अवर सचिव

New Delhi, the 3rd October, 2011

S. O. 2794.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from terminal point of Vijayawada – Nellore – Chennai pipeline near Tiruttani in TamilNadu to consumers in various parts of the country, Chennai - Tuticorin pipeline should be laid by M/s Relogistics Infrastructure Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of the Right of User therein for laying the pipeline under the land to Shri V. Venkatasubbu, Competent Authority, Relogistics Infrastructure Limited, No. 89, Dr. RadhaKrishnan Salai, 6th Floor, Mylapore, Chennai - 600004, Tamil Nadu State.

Schedule

Taluk: Cheyyar		District: Thiruvannamalai	State: Tamil Nadu		
Village	Survey No. /Sub-Division No.	Area to be acquired for RoU			
1	2	Hec	Are	C-Are	
1) Sirunavalpattu	84/2C	00	00	57	
	83/2	00	08	12	
	83/1	00	01	38	
	82/5	00	00	10	
	383/3B	00	00	52	
	383/3A	00	01	91	
	378	00	01	2	
	377/2	00	00	30	
	375/6	00	00	27	
	375/5	00	00	15	
	374/5B	00	00	10	
	374/5A	00	01	58	
	374/4	00	00	70	
	374/3	00	06	33	
	374/2	00	06	68	
	374/1B	00	06	19	
	374/1A	00	02	77	
	371/2	00	00	10	
	371/1	00	05	23	
	370/5	00	01	31	
	370/4	00	00	47	
	370/3	00	08	20	
	370/2	00	13	62	
	370/1B	00	04	03	
	370/1A	00	02	12	
	356*	00	05	80	
	297,298, 299, 306, 307 & 387*	00	21	41	
	153	00	20	35	
	129/2B	00	19	73	
2) Nattasi	601/1	00	10	54	
	600/6	00	23	46	
	600/5	00	10	83	
	600/3	00	00	18	
	594/2	00	00	54	
	593/4	00	27	28	
	592/3	00	00	73	
	592/2	00	17	01	

1	2	3	4	5
2) Natives (Contd)	592/1	00	02	31
	591/1A	00	00	26
	589/3	00	10	16
	589/2B	00	10	72
	589/1	00	03	34
	587/4	00	01	14
	587/3	00	17	54
	587/2	00	04	41
	587/1	00	01	56
	583/7	00	01	08
	583/6	00	01	57
	583/5	00	18	73
	583/4	00	02	21
	583/2	00	09	91
	583/1	00	11	80
	582/7	00	00	18
	582/6B2	00	00	18
	580/3	00	01	09
	580/2C	00	13	39
	580/2B	00	07	68
	577/2	00	00	33
	577/1A	00	19	63
	576/5B	00	05	87
	576/5A	00	32	90
	576/4B	00	02	06
	571	00	01	20
	570	00	02	87
	568/18	00	13	71
	568/17	00	06	39
	567/9	00	03	72
	567/8	00	10	24
	567/5D	00	02	16
	567/5C	00	04	44
	567/5B	00	05	94
	567/5A	00	04	51
	567/4	00	07	10
	567/3	00	08	52
	567/2B	00	16	64
	567/15	00	04	53
	567/10B	00	00	43
	567/10A	00	02	77
	566	00	01	64

1	2	3	4	5
1) Natteri (Contd)				
	556/4	00	04	08
	556/3	00	01	39
	556/2	00	03	74
	556/1	00	16	40
	555/9	00	07	98
	555/8	00	01	58
	555/7	00	01	55
	555/5	00	00	45
	555/11	00	20	02
	555/10B	00	04	89
	555/10A	00	07	45
	553	00	07	48
	552/9	00	05	07
	552/8	00	07	46
	552/6	00	03	20
	552/5	00	09	38
	552/4	00	03	82
	552/3	00	08	70
	552/2	00	03	36
	552/11	00	00	64
	552/10	00	02	72
	552/1	00	01	89
	494	00	48	13
	492	00	43	47
	489/9	00	06	09
	489/8	00	00	93
	489/11	00	00	55
	489/10	00	16	35
	483/9A	00	11	42
	483/7A	00	11	35
	483/6	00	00	45
	483/5	00	02	04
	482/7	00	01	92
	482/6C	00	10	66
	482/6B	00	05	19
	482/6A	00	02	36
	479/6	00	04	91
	478/9A	00	00	11
	478/5	00	26	02
	478/4	00	11	33
	478/3	00	18	65
	478/2	00	00	26

1	2	3	4	5
2) Natives (Contd)				
	477/9	00	03	50
	477/5	00	01	71
	477/10	00	10	36
	447	00	00	21
	446/1	00	02	91
	443/4	00	06	50
	443/3B	00	00	52
	443/3A	00	39	64
	443/2	00	08	69
	443/1A	00	04	77
	435/9	00	05	43
	435/8	00	01	19
	435/6	00	02	32
	435/5	00	12	31
	435/4	00	03	79
	435/3	00	02	50
	435/12	00	00	61
	435/10	00	02	26
	435/1	00	08	80
	433/9	00	02	53
	433/8	00	04	11
	433/7	00	04	78
	433/6B	00	06	75
	433/6A	00	07	58
	433/5	00	06	78
	433/4	00	01	72
	433/2	00	02	57
	433/11	00	00	19
	433/10	00	01	47
	433/1	00	31	08
	429*	00	21	08
	420/8	00	09	06
	420/7	00	10	26
	420/6B	00	17	32
	420/6A	00	04	80
	420/5	00	01	24
	416*	00	43	67
	415*	00	00	80
	399*	00	■	41
	397/4	00	03	56
	397/3	00	12	29
	397/2B	00	15	16

		2	3	4	5
2) Valleri (Contd)	397/2A	00	13	02	
	397/1C	00	00	10	
	396/9H	00	02	22	
	396/9G	00	09	19	
	396/9F	00	14	11	
	396/9E	00	01	45	
	396/6	00	21	55	
	394*	00	13	92	
	393	00	00	90	
3) Thennampattu	547*	00	15	42	
	546*	00	08	05	
	514*	00	04	35	
	511	00	01	01	
	510/4C2	00	00	25	
	483	00	18	21	
	479*	00	21	73	
	477*	00	01	42	
	468*	00	40	58	
	447	00	96	17	
	442	00	01	36	
	432	00	00	27	
	431	00	23	11	
	430	00	04	66	
	421/4	00	18	68	
	421/3	00	30	22	
	421/2	00	10	35	
	421/1	00	05	08	
	420/2	00	25	86	
	413/2	00	05	12	
	413/1B	00	02	12	
	413/1A	00	36	95	
	412	00	18	11	
	411/6	00	06	62	
	411/2	00	09	65	
	411/1	00	02	93	
	386*	00	12	16	
	385/2B	00	26	29	
	385/2A	00	02	07	
	378/1E2	00	06	14	
	378/1E1B	00	03	96	
	378/1E1A	00	54	36	
	378/1C	00	00	23	

	1	2	3	4	5
3) Thenmala (Contd)	364	00	02	13	
	363/3B	00	04	94	
	363/3A	00	33	83	
	363/2O	00	06	01	
	363/2N	00	00	14	
	357/6	00	04	40	
	357/5	00	10	76	
	357/4B	00	01	29	
	357/3B	00	07	27	
	357/3A	00	04	75	
	357/2B	00	00	76	
	356/4	00	02	66	
	356/3	00	11	67	
	356/2	00	13	55	
	345/6	00	01	93	
	345/4	00	26	54	
	345/3	00	18	18	
	345/2	00	00	78	
4) Melbuder	175*	00	13	90	
	154/2	00	01	09	
	154/1B	00	29	25	
	154/1A	00	00	99	
	150*	00	06	60	
	149*	00	34	00	
	146	00	08	10	
	137	00	28	80	
	131*	00	24	58	
	130/2	00	00	73	
	128/2/2C1	00	00	52	
	128/2/2B2	00	22	56	
	127/A/2A	00	14	90	
	127/A/1	00	06	50	
5) Meranam	326*	00	11	64	
	325/3	00	33	98	
	324*	00	08	81	
	318	00	25	65	
	317	00	40	40	
	316/1	00	63	17	
	309/3	00	49	01	
	309/2	00	03	30	
	309/1	00	03	50	
	308	00	58	01	

1	2	3	4	5
5) Moranam (Contd.)				
	307/2	00	49	70
	307/1	00	03	05
	302/2	00	04	63
	296	00	48	24
	295	00	09	13
	290/3	00	10	42
	155*	00	00	97
	152/3	00	05	46
	152/2	00	18	05
	152/1	00	06	61
6) Talarapadi	211	00	01	22
	210	00	05	40
	205	00	12	85
	178/B/5	00	00	10
	178/B/4	00	02	86
	178/B/3B	00	00	55
	178/B/3A	00	09	78
	178/B/2	00	19	86
	178/B/1	00	27	82
	178/A	00	05	43
	176/2	00	11	09
	176/1B	00	09	17
	176/1A	00	14	51
	173/A	00	04	60
	17*	00	32	71
	169/1B3	00	11	71
	169/1B2	00	12	11
	169/1A2	00	14	27
	168/2C	00	00	48
	168/2B	00	00	10
	168/2A	00	14	53
	168/1	00	27	84
	167/3	00	10	52
	167/2	00	32	31
	166/1A	00	07	28
7) Munukapattu	247*	00	17	92
	246/7	00	06	96
	246/6B	00	01	40
	246/6A	00	10	89
	246/5B	00	10	27
	246/5A	00	12	37
	246/4	00	13	42

1	2	3	4	5
7) Manufacture (Contd)	246/3B	00	00	10
	246/2	00	02	96
	246/1D	00	05	07
	246/1C	00	00	10
	240	00	04	38
	239/6A	00	03	22
	239/5C	00	08	30
	239/5B	00	07	03
	239/5A	00	13	47
	239/4	00	13	58
	239/3	00	02	77
	239/2B	00	12	13
	239/2A	00	00	10
	238/2	00	00	16
	238/1	00	03	04
	237	00	02	85
	236	00	01	62
	235/4	00	05	64
	235/3B	00	06	05
	235/3A	00	02	17
	228/7	00	00	51
	228/11A	00	08	48
	228/10	00	06	53
	21/1C	00	01	41
	204/6	00	01	52
	204/5	00	11	31
	204/4	00	01	57
	204/1	00	00	10
	203/4	00	12	71
	203/3	00	03	35
	201/5	00	07	15
	201/4	00	00	10
	201/3	00	02	12
	201/2	00	06	43
	201/1	00	00	99
	190/3	00	02	29
	190/2D	00	07	12
	190/2C	00	04	94
	190/2B	00	09	88
	190/2A	00	00	18
	189/1	00	01	13
	189/2B	00	02	92

1	2	3	4	5
7) Munukapattu (Contd)	189/2A	00	10	27
	188	00	08	28
	187/7	00	00	24
	186/3A	00	04	07
	186/2	00	05	03
	186/1	00	01	34
	182/1	00	00	54
	181	00	01	78
	180/2	00	02	42
	180/1	00	07	77
	179/2	00	00	36
	179/1B	00	00	80
	179/1A	00	05	42
	178	00	07	58
	177/3B	00	04	33
	177/3A	00	04	70
	177/1C	00	03	41
	176/2	00	04	78
	172/3	00	00	10
	171/3	00	00	33
	171/2B	00	10	17
	171/2A1	00	07	32
	171/1	00	02	85
	142	00	02	95
	141/4B	00	05	92
	141/3	00	09	49
	141/2C	00	00	56
	141/2A	00	01	59
	140	00	00	39
	138	00	03	07
	137/9B	00	03	96
	137/8B	00	04	83
	137/6I	00	00	10
	137/6H	00	01	28
	137/6G	00	07	29
	137/6F	00	01	06
	137/6E	00	05	42
	137/6D	00	02	03
	137/6B	00	02	26
	137/6A	00	03	37
	137/5	00	08	40
	137/4B	00	03	49

1	2	3	4	5
7) Musukapattu (Contd)				
	137/4A	00	04	60
	137/2B	00	05	77
	137/2A	00	01	57
	137/10B	00	07	47
	136	00	01	79
	135/9	00	03	01
	135/6	00	12	71
	135/4	00	11	35
	135/2G	00	05	64
	135/12	00	02	81
	135/11B	00	10	15
	135/10A	00	08	34
	130/5A	00	21	78
	130/3	00	18	79
	130/2B	00	02	23
	126/6A	00	01	63
	126/5C	00	01	14
	126/5B	00	02	98
	126/5A	00	17	17
	126/4D	00	02	83
	126/4B	00	12	55
	126/4A	00	08	73
	126/3	00	05	79
	126/2	00	02	51
	126/1B	00	01	15
	126/1A	00	00	60
8) Thirumani				
	94/22	00	19	04
	94/21	00	11	54
	93/7	00	02	97
	93/5	00	00	40
	93/4	00	16	56
	93/3	00	18	10
	93/11B	00	06	91
	93/11A	00	13	38
	93/1	00	02	39
	406/2	00	44	29
	397/8	00	05	78
	397/7	00	04	13
	397/4	00	00	62
	397/3	00	37	63
	397/1	00	03	31
	306	00	00	46

1	2	3	4	5
8) Thirumani (Contd)	394/5	00	36	76
	394/3	00	18	70
	394/2	00	02	70
	394/1B	00	08	46
	394/1A	00	11	88
	332*	00	17	94
	261/2	00	03	94
	261/1	00	09	93
	260	00	10	85
	259	00	01	86
	258	00	08	55
	233/4	00	00	21
	233/3	00	02	65
	232/3	00	12	24
	231/8	00	00	65
	231/4	00	00	10
	231/3	00	16	59
	231/1	00	07	33
	225/1A	00	02	18
	224/8	00	05	39
	224/6	00	06	12
	224/5	00	01	48
	224/4	00	00	85
	224/3	00	03	61
	224/1	00	00	87
	220/5	00	06	40
	219/1	00	16	71
	215/3	00	00	65
	215/2	00	09	50
	215/1	00	08	70
	199/2	00	11	05
	199/1	00	13	58
	197/2	00	00	11
	197/1	00	17	39
	196	00	03	81
	148/6	00	01	03
	148/5	00	10	19
	148/4	00	08	13
	148/3	00	02	51
	148/2	00	00	10
	146/2	00	07	63
	146/1	00	13	02

1	2	3	4	5
3) Thirumani (Contd)				
	145/2	00	00	56
	145/1	00	08	79
	144/2	00	00	23
	144/1	00	02	13
Taluk: Polur	District: Thiruvannamalai	State: Tamil Nadu		
1) Indravanim	197*	00	02	62
	193	00	00	33
	192*	00	01	54
	177	00	00	45
	176*	00	20	08
	175	00	02	94
	174*	00	03	75
	162/B*	00	65	09
	160/6	00	11	75
	160/5D	00	03	88
	160/5C	00	04	41
	160/5B	00	03	69
	160/4B	00	25	32
	159*	00	28	43
	151/B	00	31	10
	151/A	00	48	14
2) Appedu	287	00	06	43
	272*	00	29	53
	260*	00	09	47
	259*	00	28	68
	258/2	00	22	96
	258/1C	00	12	49
	258/1B	00	00	20
	248B	00	34	83
	248A	00	05	96
	246/5C6	00	00	61
	246/5C5	00	00	49
	246/5C4	00	05	05
	246/5C2	00	00	10
	246/5C1	00	03	92
	246/5B3	00	02	02
	246/5B2	00	05	79
	246/5B1	00	00	71
	246/2	00	01	47
	246/1B	00	04	85
	246/1A3	00	03	31
	246/1A2	00	00	44
	246/1A1	00	18	85

1	2	3	4	5
3) Kothandawadi	76*	00	10	47
	71*	00	23	03
	70/3B	00	02	35
	70/3A	00	00	24
	65/1	00	02	84
	64*	00	03	42
	63*	00	01	95
	58*	00	02	29
	34/7	00	01	49
	34/13A	00	00	41
	34/12	00	02	87
	34/11	00	01	34
	34/10B1	00	00	47
	29/9B	00	07	63
	29/9A	00	00	74
	29/7L	00	01	73
	29/7K	00	01	77
	29/7J	00	01	24
	29/5E	00	01	19
	29/5D	00	03	12
	29/5C	00	01	54
	29/5B	00	01	88
	29/5A	00	02	94
	29/4	00	03	14
	29/3	00	00	83
	29/2B	00	02	70
	29/2A	00	12	53
	29/1B	00	02	38
	29/1A	00	10	45
	26*	00	30	91
	25/3L	00	01	88
	195/1A	00	05	03
	192*	00	39	54
	190/2	00	02	30
	189*	00	11	12
	183/2E	00	00	57
	183/2D	00	01	32
	182/3B	00	04	08
	182/3A	00	01	38
	182/2D	00	03	78
	182/2A5	00	03	25
	182/2A11	00	03	05

1	2	3	4	5
3) Kothandawadi (Contd)				
180*	00	60	80	
128/7	00	01	02	
128/6	00	11	02	
128/5C	00	01	99	
128/5B	00	05	72	
128/5A	00	07	54	
128/4B	00	00	10	
128/4A	00	01	36	
122/9	00	01	37	
122/8	00	07	13	
122/7A	00	04	53	
122/5	00	00	85	
122/4	00	09	03	
122/3A	00	02	35	
122/11	00	00	47	
122/10	00	13	08	
121/2	00	03	40	
121/1	00	05	40	
120/3B	00	02	66	
4) Nambedu				
95/5	00	01	11	
95/4	00	03	65	
95/3	00	00	21	
94*	00	66	46	
91*	00	00	64	
90*	00	05	52	
81*	00	02	03	
42/3C	00	04	00	
42/3B	00	06	25	
17/9	00	06	54	
17/8B	00	03	09	
17/1A5	00	06	97	
17/1A4	00	05	03	
17/1A3	00	02	06	
149/2	00	13	07	
149/1	00	01	95	
144/18F	00	07	18	
144/18E	00	06	19	
144/17D	00	03	39	
144/14A	00	00	10	
143/3B	00	04	21	
143/3A	00	02	03	
143/2B	00	02	30	

	1	2	3	4	5
4) Nambodu (Contd)		143/2A	00	03	48
		143/1	00	16	46
		14*	00	07	33
		139*	00	09	40
		11*	00	15	01
5) Devimangalam		99/2	00	07	94
		99/1	00	12	58
		98	00	02	92
		97/15	00	09	33
		97/12	00	02	03
		97/11	00	00	10
		8/3	00	02	92
		8/2	00	01	21
		8/1	00	09	18
		7	00	15	09
		6/1	00	04	11
		5/3	00	01	66
		5/1A	00	06	14
		41/2	00	00	62
		41/1	00	08	13
		40	00	14	57
		4	00	01	70
		37	00	13	93
		36/6	00	00	16
		36/5B	00	00	92
		36/5A	00	00	33
		34/2	00	01	58
		33/20B	00	02	08
		33/20A	00	14	26
		33/16	00	13	94
		33/14	00	06	15
		33/13A	00	01	35
		3/2	00	08	14
		3/1	00	12	39
		24/4	00	10	12
		24/2	00	00	11
		24/1A	00	07	00
		23/5	00	07	23
		23/4	00	09	09
		23/2	00	06	93
		23/1	00	01	03
		22/6	00	18	95

1	2	3	4	5
5) Devimangalam (Contd)	22/4	00	00	39
	2/3	00	07	00
	130/4B	00	16	26
	125/4B2	00	22	28
	124/2B	00	03	88
	124/2A	00	06	34
	124/1B	00	10	16
	124/1A	00	01	26
	123	00	81	02
	122/4C	00	10	40
	122/4B	00	06	64
	122/4A	00	04	46
	109	00	35	41
	108/2B3	00	05	90
	108/2A	00	22	42
	102/3	00	00	10
	102/2A	00	14	49
	102/1	00	03	39
	101/1F	00	03	00
	101/1C	00	09	50
	101/1B	00	10	84
	100/3A	00	08	20
	100/1	00	02	61
	1/2	00	15	02
	1/1B	00	00	68

Taluk: Vandavasi	District: Thiruvannamalai	State: Tamil Nadu		
1) Sudrakatteri	9*	00	32	93
	5*	00	14	13
	176*	00	56	48
	175*	00	38	99
	174/3	00	04	56
	174/1B	00	06	84
	171*	00	51	87
	10*	00	20	87
2) Melanur	212*	00	19	78
3) Konaiyur	4	00	16	56
	3*	00	00	24
	27	00	00	32
	21	00	64	18
	206	00	16	81
	204	00	46	79

1	2	3	4	5
3) Konaiyur (Contd)	203*	00	15	31
	202 & 231	00	71	90
	193	00	00	33
	191	00	00	71
	188	00	23	30
	187	00	12	73
	186	00	09	59
	185	00	12	49
	184	00	31	60
	18	00	49	29
	179	00	01	28
	178	00	02	83
	177	00	12	25
	122	00	00	23
	121	00	09	61
4) Kolappalur	760/5	00	03	10
	760/11	00	13	99
	760/10	00	27	03
	755*	00	73	81
	753*	00	06	38
	751/B/5B	00	09	27
	751/B/5A	00	15	53
	751/B/4	00	07	45
	751/B/3	00	15	69
	751/B/2	00	12	16
	751/B/1	00	01	75
	751/A	00	03	10
	750	00	13	44
	746/3B	00	00	10
	746/2	00	00	15
	746/1	00	11	25
	745/1D	00	00	37
	745/1C	00	16	00
	745/1B	00	07	31
	744/3B	00	05	20
	744/3A	00	01	40
	744/2	00	01	85

1	2	3	4	5
4) Kolappalur (Contd)	744/1B 744/1A 742/5 742/4 742/3 742/2 742/1 740 739/4 739/3 739/2 739/1 738/2C 738/2A 738/1B 738/1A	00 00 00 00 00 00 00 00 00 00 00 00 00 00 00 00	07 03 05 01 01 01 00 30 03 04 05 01 00 02 01 14	10 65 07 96 22 29 81 43 59 09 00 57 10 73 22 24
5) Gengapuram	99/2 99/1 97/5 97/4 97/3 97/2 97/1 95/5 95/4 89/2 88/5 88/4 88/3 88/2 88/1 87/1 85/2 85/1B 85/1A 84 78 75	00 00	00 17 00 17 01 01 04 00 05 04 04 05 08 00 01 03 00 06 08 14 03 08	10 74 10 94 86 36 88 75 64 90 72 16 41 60 12 95 38 74 87 20 21 96

I	2	3	4	5
5) Gengapuram (Contd)	74/2	00	00	25
	74/1	00	10	69
	65/1	00	04	61
	63/3	00	04	32
	63/2	00	11	81
	63/1	00	05	64
	62/4	00	00	93
	62/3	00	01	68
	62/2	00	18	02
	61/3	00	15	14
	60	00	00	98
	59/3	00	00	72
	59/2A	00	00	52
	59/1E	00	00	76
	59/1D	00	02	32
	59/1C	00	04	08
	59/1B	00	03	14
	59/1A	00	10	67
	56*	00	38	42
	55	00	00	13
	54	00	20	87
	49	00	00	10
	3/2D	00	23	60
	3/2C	00	00	46
	21	00	05	01
	20/2	00	01	15
	20/1	00	69	57
	2	00	24	93
	19	00	23	81
	146/4	00	00	70
	136/5	00	00	10
	135/3	00	03	33
	135/2B	00	04	37
	135/2A	00	15	68
	135/1B	00	09	20
	135/1A	00	04	50

1	2	3	4	5
5) Gengapuram (Contd)	134/2B	00	06	16
	133/3	00	00	26
	133/12	00	13	03
	133/11B	00	04	16
	132/3A	00	07	21
	131/3	00	03	78
	131/1	00	06	93
	129/5F	00	00	22
	129/5E	00	02	02
	129/5C	00	14	53
	129/5B	00	11	37
	129/5A	00	01	52
	129/4	00	00	10
	129/3	00	02	81
	129/2	00	00	91
	129/1D	00	00	63
	129/1C	00	17	79
	128/4A	00	04	91
	128/3	00	00	21
	128/2A	00	00	18
	128/1	00	01	03
	115/1B	00	16	03
	114	00	01	78
	113/4	00	00	58
	113/3	00	03	64
	113/2	00	11	26
	113/1	00	07	29
	102/3	00	01	00
	102/2	00	15	41
	102/1	00	00	89
	101/2	00	00	23
	101/1	00	00	62
	100/5	00	05	89
	100/4	00	10	73
	100/3	00	01	74
	100/2	00	06	33
	100/1	00	00	10
1		00	15	23

* Additional Area to 3(1) Notification SO 2272 dated 19.08.2009

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 20 सितम्बर, 2011

का.आ. 2795.——औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी.सी.एल. एवं के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच असुविध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, धनबाद नं. 1, के पंचाट (संदर्भ संख्या 04/92) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2-9-2011 को प्राप्त हुआ था।

[सं. एल-20012/145/1991-आई आर (सी-1)]
डी. एस. श्रीनिवास राव, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 20th September, 2011

S.O. 2795.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/1992) of the Central Government Industrial Tribunal-Cum-Labour Court-1, Dhanbad, as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. B.C.C.L. Ltd., and their workman, which was received by the Central Government on 2-9-2011.

[No. L-20012/145/1991-IR (C-I)]

D.S.S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.1, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of I.D. Act

Reference No. 4 of 1992

Parties : Employers in relation to the management of West Mudidih Colliery of M/s. B.C.C. Ltd.,

And

Their Workman

Present : Shri H.M. Singh, Presiding Officer

APPEARANCES :

For the Employers : Shri D.K. Verma, Advocate

For the Workmen : Shri U.P. Sinha, Advocate

State : Jharkhand Industry : Coal

Dated, the 30th August, 2011

AWARD

By Order No.L-20012(145)/91-IR(Coal-I) dated 9-1-92 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-

sec.(1) and sub-sec.(2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the demand of the Dalit Mazdoor Sangh that Smt. Baitulan Bibi and 52 others be treated as employees of West Mudidih Colliery of M/s. BCCL and be regularised in services is justified? If so, to what relief are these persons entitled?”

2. The case of the concerned workmen is that Smt. Baitulan Bibi and 52 others had been working as permanent workman at West Mudidih colliery since long in permanent and prohibited category of jobs as wagon loading under the direct control and supervision of the management. The management has implemented Wage Board Recommendations and NCWAs. As per Wage Board Recommendations wagon loaders are entitled for Group III wages by giving 4.4 tonnes of work, load, but the management had been paying them much below the rate of NCWAs in the name of intermediaries. The concerned workman and the union represented before the management against the illegal and arbitrary camouflaging system of payment to the poor workmen that too below the rate of NCWA. The management appreciating the legal position, regularised the concerned workman by paying them directly from the year 1975. As soon as the concerned workman started demanding regularisation and other benefits of permanent workmen the management stopped them from service with effect from December, 1975. After exhausting all avenue for amicable settlement the union raised an industrial dispute before the A.L.C. (C), Dhanbad, but the same was rejected by the Ministry of Labour, vide order No. L-20012(145)/91-IR(Coal-I) dated 30-9-91. Thereafter the union moved Hon'ble High Court and as per direction of Hon'ble High Court the Ministry referred the dispute for adjudication to this Hon'ble Tribunal.

The demand of the union for treating them as employees of West Mudidih Colliery and for regularisation in service is legal and justified.

It has been prayed that this Hon'ble Tribunal be pleased to direct the management to treat the concerned workman as employees of West Mudidih Colliery and to regularise them as Wagon Loader with retrospective effect with all arrears of wages and consequential benefits.

3. The case of the management is that the concerned workman never worked under the management in any capacity. The union raised an industrial dispute and demanded regularisation of 36 workman in the year 1983, but failed to produce any documentary evidence before the conciliation officer. Therefore the Government refused to refer the matter for adjudication. Again the union raised a fresh dispute and demanded regularisation of 53 persons. The Government again refused to refer the matter. However, on the direction of the Hon'ble High Court the matter has

been referred to this Hon'ble Tribunal for adjudication. It has been submitted that the concerned workman had never worked with the management at any time. They were never paid wages by the management and in way they were controlled by the management at any time. It has also been submitted that the collieries were having contract system on the jobs of wagon loading during private management time. The above system continued for some time ever after nationalisation. The workman who had worked as casual wagon loaders were issued with Identity Cards, Bonus Cards etc. and the delisted/unlisted casual wagon loaders were simply given the bonus cards to facilitate them to earn bonus. The union claimed that the concerned workman had worked under contractors during the period from 1973 to October 1975. It has also been submitted that if the concerned workers had worked as contractor's workers they cannot claim to be the employees of the management. If they were engaged for short duration from October, 1975 to December, 1975 as casual wagon loaders they cannot claim for their regularisation under management. Thus on the basis of their own assertion they do not have any ground to claim for employment under the management as regular wagon loaders.

Under the facts and circumstances stated above, it has been prayed that the Hon'ble Tribunal be pleased to pass an award holding that the concerned workmen are not entitled to any relief.

4. Both the parties have filed their respective rejoinders admitting and denying the contents of some of the paragraphs of each other's written statement.

5. On behalf of the concerned workman, WW-1, Rakaha Pal Saw and WW-2, Karu Ram, union leader, have been examined and proved documents as Exts. W-1 to W-4.

The management produced MW-1, Baijnath Ray and MW-2, Bhagwanji, and proved documents as Exts. M-1 to M-3.

5. Main argument advanced on behalf of the concerned workman is that they are working with the management with 51 others, but the management is not regularising them. They are doing permanent nature of job in prohibited category of job which is under control and supervision and control of the management. The management has implemented NCWAs I, II/III & IV and as per wage Board Recommendations wagon loaders are entitled for Group III wages by giving 4.4 tonnes of work load, but the management has not implemented the same and they were stopped from working from December, 1975.

The management's representative argued that they have never done the job with the management and they were not paid by the management directly and they were working on contract basis. They have got no right to be regularised by the management.

6. In this respect the concerned workman, WW-1, Rakeshpal Saw stated in his cross-examination at page 2 that I cannot say as to whether our names were noted in Form 'B' Register. I do not know if any part of our wages were or were not deposited in the provident fund. I have no paper to show that I have worked as an employee of BCCL. So far I know the other concerned workman also do not have any such paper. At that time we did not have to get any pay-slip. The statement of the concerned workman shows that he has got no pay slip, he has got no paper to show that he has worked as an employee of BCCL. So, it cannot be said that they have worked with the management and so they are not entitled for regularisation by the management.

On behalf of the concerned workmen, WW-2, Karu Ram, General Secretary of the union, appeared and has stated that these de-listed casual wagon loaders were put to work due to increase in the loading work, so they should be regularised.

6. Management's witness clearly stated that they have maintained Ext. M-1 which is Bonus Register and they are maintained as per rules. These registers are in the hand of Sheo Shankar Prasad, Bonus Clerk. The register of the year 1976 is in his handwriting and other one is in the hand of Sheo Shankar Prasad, Exts. M-1/3 and M-1/2. He has also recognised the signature of Ram Krishna Pathak, the then Assistant, working in the colliery who maintains Ext. M-2, and this register contains the names of all these who during that period were doing the work of wagon loading. Ext. M-3 shows list of casual wagon loaders.

MW-2, Shri Bhagwanji, also stated that prior to nationalisation he was working as loading Supervisor in New Angarpathera colliery and still he is in the same post. After merger list of casual wagon loaders was prepared and after merger Angarpathera colliery these are called West Mudidih colliery. There was no permanent wagon loader in that colliery and all were casual. The concerned workman have not worked as wagon loader in the colliery in the year 1973-74 as per list.

7. On behalf of the workman side this has been argued that the concerned workman has worked with the management as per Ext. W-3/1. This letter shows that it was issued on 10-3-76. But this only shows the attendance in 1975 though states that they were working with the management in the year 1973-1975. This has not been proved by the management's witness who has signed it.

8. For this the management's representative argued that it is procured document prepared by the workmen/union and it has got no evidentiary value.

9. A list has been filed as per Ext. M-3 by the management which shows that there are 300 casual wagon loaders of Mudidih colliery since 1973.

10. In this respect the management representative referred 2001 Lab.I.C.3656 in which Hon'ble Supreme Court laid down Contract Labour Regulation and Abolition Act (37 of 1970),

S.I.- "There does exist a distinction between public law and private law. The divide between the public law and the private law is material in regard to the remedies which could be availed when enforcing the right, public or private, but not in regard to interpretation of the statutes Principles of public law interpretation as opposed to private law interpretation for interpretation of statute are not found either in any authoritative treaties on interpretation or in pronouncement of any court. It cannot therefore be accepted that while interpreting public law like Contract Labour Act the principle of literal interpretation has to be discarded as it represents common law approach applicable only to private law field and has no relevance when tested on anvil of Art. 14."

Constitution of India, Art.12-Instrumentalities of Government Are not agents of Government for all purposes.

"The principle that while discharging public functions and duties the Government Companies/Corporation/Societies which are instrumentalities or agencies of the Government must be subjected to the same limitations in the field of public law-Constitutional or administrative law-As the Government itself, does not lead to the inference that they become agents of the Centre/State Government for all purposes so as to bind such Government for all their acts, liabilities and obligations under various Central and/or State Acts or under private law"

The management also referred 2006 Supreme Court Cases (L&S) 753 (Uma Devi Case) in which Hon'ble Supreme Court laid down

"Constitution of India-Arts.32, 136, 141, 142 & 226 and 16, 14 & 309 and 38, 39(a)- Public employment-Absorption regularisation, or permanent continuance of temporary, contractual, casual, daily wage or ad-hoc employees appointed/recruited and continued for long in public employment dehors the constitutional scheme of public employment Issuance of directions for, and for stay of regular recruitment process for the posts concerned-Impermissibilities of -Need for addressing concerns of equity for all, and not of just the few before the court, by upholding of constitutional scheme of public employment, whose hallmark is equal of opportunity-Held, Supreme Court and High Courts should not issue such directions unless the recruitment itself was made regularly and in terms of the constitutional scheme-Reasons for, discussed extensively—"

Financial/economic impact of such directions, as a factor-The vide powers under Art.226 are not intended to be used for issuance of such directions,

certain to defeat the concept of social justice, equal opportunity for all and the constitutional scheme of public employment-Supreme Court is bound to insist on the State making regular recruitments and appointments and not to encourage or shut its eyes to the persistent transgression of the rules of regular recruitment-It is erroneous for Supreme Court of merely consider equity for the handful of people who have approached the court with a claim whilst ignoring equity for the teeming millions seeking employment and a fair opportunity for competing for employment-Further, courts must be careful in ensuring that they do not interfere unduly with the economic/fincancial arrangement of the affairs of the state or its instrumentalities.

-Phenomenon of "litigious employment" which had arison due to issuance of such directions by High Courts, and even Supreme Court, highlighted-Hold, merely because an employee had continued under cover of an order of the court, under "litigious employment" or had been continued beyond the term of his appointment by the State or its instrumentalities, he would not be entitled to any right to be absorbed or made permanent in service, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules-It is further not open to the court to prevent regular recruitment at the instance of such employees-Unsustainability of claim to permanence on basis of long continuance in irregular or illegal public-employment, discussed in detail.

-Held, decision of the Supreme Court running counter to or containing directions counter to these principles will stand denuded of their status as precedent - Union and State Governments and their instrumentalities directed to set in motion the process for regular recruitment in cases where temporary or daily-wagers were employed against vacant sanctioned posts, within six months of the date of this judgement-Further, cases of irregular appointments (not illegal appointments) of duly qualified persons in duly sanctioned vacant posts, who had continued to work for ten years or more, but without the intervention of orders of courts or tribunals, may have to be considered for regularisation on merits in the light of the principles laid down in this case, as a one-time measure, within six months of the date of this judgement.

Constitution of India-Arts. 142, 32 & 136 and Parts III and IV-Role of Supreme Court-Individualising of justice to suit a given situation-Scope for Assumption re parties before the court being representative of the cause-Propriety-Need for

balancing of rights of the numerous not before the court as against the few who are before the court-Held, we have given unto ourselves a system of governance by rule of law-The role of the Supreme Court is to render justice according to law-It is expected to decide questions of law for the country and not to decide individual cases without reference to principles of law - In the name of individualising justice it is not possible for the Supreme Court to shut its eyes to the constitutional scheme and the rights of the numerous as against the few who are before the court-Directive principles of State policy have also to be reconciled with the rights available to the citizen under Part III and the obligation of the State to one and all and not to a particular group of citizens-Practice and Procedure-Rule of law-Meaning of-Implications of a system of governance by rule of law, for Apex Court of the land.

Constitution of India-Arts.141, 32, 136 and 142 Duty Supreme Court acting as Constitutional Court-Rule and approach of a Constitutional Bench of Supreme Court-Uncertainty and divergence of approach and views in decision of Supreme Court-Need for firm decision by Supreme Court one way or another emphasised-Held; in such cases it is necessary to put an end to uncertainty and clarify the legal position emerging from the constitutional scheme, leaving the High Courts to follow necessarily the law thus laid down- A. Constitution Bench has to lay down the law-It has to approach the question as a constitutional court should-Precedents.

Constitution of India-Art.142- Excercise of power under-scope“Complete justice”-Meaning of -Held, complete justice would be justice according to law, and though it would be open to Supreme Court to mould the relief, it would not grant relief which amount to perpetuating an illegality-Hence in doing complete justice under Art.142, Supreme Court would not normally give a go-by to the procedure established by law in the matter of public employment.

Constitution of India-Arts.226, 32, 236 and 142- Interference in service matters-Interim directions-scope for -Absorption, regularisation, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited dehors the constitutional scheme of public employment - Scope for issuance of interim directions for-Held, in such cases High Court may not be justified in issuing interim directions-Reasons for, discussed-Interim relief.

Constitution of India-Art.226-Exercise of power under-Relief that may be granted-Role of High Courts under-Held, the wide powers under Art.226 are not

intended to be used for the purpose of perpetuating illegalities, irregularities or improprieties-Role of High Courts as sentinels and as guardians of equal rights protection should not be forgotten.

Casual Labour/Temporary Employee-Status and rights of-Unequal bargaining power-Effect-Held, such employees do not have any right to regular or permanent public employment-Further, temporary, contractual, casual, ad hoc or daily-wage public employment must be deemed to be accepted by the employee concerned fully knowing the nature of it and the consequences flowing from it-Reasons for, discussed in detail..

Constitution of India-Arts. 136, 32 and 141- Adverse effect of trying to individualise justice on inconsistent precedents constituting the binding law of the land-Jurisprudence-Justice versus law-Equity-Equity versus law.

Constitution of India-Arts.141 and 142 -Direction given by Constitutional Bench for overruling of all post precedents which ran counter to principles laid down as law herein.

Appointment-Modes of appointment-Permissible modes-Absorption, regularisation, or permanent continuance of temporary, contractual, casual, daily-wage or ad hoc employees appointed/recruited dehors the constitutional scheme of public employment on issuance of directions by court therefor-Held, issuance of such directions amount to creating another mode of public appointment, which is not permissible.”

Another law referred by the management (2009) I Supreme Court Cases (L&S) 943 in which Hon'ble Supreme Court laid down:-

“Constitution of India-Arts. 16 & 14 and 141-Public employment-Ruling of Constitution Bench in Umadevi (3) case, (2006) 4 SCC I-Binding effect of Attempt in Pooran Chandra Pandey case, (2007) II SCC 92 a two-Judge Bench decision, to water down: binding effect of Umadevi (3) case; a Constitution Bench decision-Impermissibility of-”

Held, by virtue of Art.141, the judgement of the Constitution Bench in Umadevi (3) case is binding on all courts including the Supreme Court till the same is overruled by a larger Bench-The attempt to dilute the rulings in Umadevi (3) by the suggestion in Pooran Chandra Pandey case that Umadevi (3) case cannot be applied to a case where regularisation has been sought for in pursuance of Art.14, held, is obiter and the two-Judge Bench in Pooran Chandra Pandey case had no occasion to make any adverse comment on the binding character of the Constitution

Bench judgement in Umadevi (3) case—The said comments and observations made in Pooran Chandra Pandey case should be read as obiter and should neither be treated as binding by the High Courts, tribunals and other judicial for as not should they be relied upon or made the basis for by passing the principles laid down in Umadevi (3) case—Absortion-Regularisation.

Constitution of India-Arts. 141 and 124(6), 219 and 144—Binding effect of judgements of Supreme Court—Judicial discipline—Cardinal importance of, strongly emphasised—Total commitment to constitutional ideals by those who take oath to uphold it—High Courts or smaller Benches of Supreme Court ignoring or bypassing ratio or larger Benches of Supreme Court including Constitution Bench—Impermissibility—Need to adhere to basis of judicial discipline, strongly emphasised—Need for predictability and certainty in the law—

Impact of disrespect to constitutional ethos and breach of judicial discipline, spelled out—Held, discipline is a sine quo non for effective and efficient functioning of the judicial system—If the courts command others to act in accordance with the provisions of the constitution and the rule of law, it is not possible to countenance violation of the constitutional principle by those who are required to lay down : the law—Judiciary—Judicial discipline—Cardinal importance of—Precedents Stare Decisis—Rational for doctrine of, explained.

High Courts—Precedents—Binding effect of rulings of coordinate/larger Benches of High Courts, reiterated.

Constitution of India—Arts. 16, 14 and 32, 226 & 136—Public employment—Power of employer—Judicial review—Scope of—Though decision of employer to create or abolish posts or cadres or to prescribe source or mode of recruitment, etc. is not immune from judicial review, held, power of judicial review can be exercised in such matters only if it is shown that the action of the employer is contrary to any constitutional or statutory provision or is patently arbitrary or is vitiated by mala fide—Abolition/Reduction of posts.

Another law referred by the management (2009) 2 Supreme Court Cases (L&S) 259 in which Hon'ble Supreme Court laid down :

“Regularisation—Entitlement to—Departmental instructions issued prior to and contrary to law laid down in Umadevi (3) case, (2006) 4 SCC I—Applicability of—Held, regularisation could not be claimed on the basis of such instructions—

Appellants who were engaged as daily-rated casual labourers on Group ‘C’ posts in Railway Electrification Project for long, held, could not claim regularisation—**Railway Board Circular dated 11-5-1973**, which supported their case, further held, was issued long before the law laid down in Umadevi (3) case that recruitment could not be made contrary to statutory recruitment rules and in violation of Arts. 16 and 14, and therefore such circular could not be given effect to—Ad-hoc—Casual Labour—Recruitment process—service/Recruitment Rules—Constitution of India, Arts. 16, 14 and 309 proviso and 162 & 73.

Casual Labour Daily Wager/Temporary Employee—Employment for project work on ex-cadre posts, reiterated is not regular employment.”

Another law referred by the management is 2009 (4) JLJR 45 in which Hon'ble High Court of Jharkhand laid down—“Labour and Industrial Laws—Absorption—Sections 7, 10 and 12 of Contract Labour (Regulation and Abolition) Act, 1970—industrial award directing for absorption of respondent—workmen—cases in which no notification of prohibition has been issued that by itself cannot entitle the workmen for automatic absorption no finding with regard to nature of contract and as to whether it was a camouflage or sham nor any finding that any prohibition notification was issued U/s. 10(1)—merely because workmen have worked continuously for more than 240 days in a calendar year, no right of absorption/regularisation follows—impugned award quashed (Paras 10 to 15).

(1995) 5 SCC 27: (2008) 9 SCC 377, (2002) 4 SCC 609, (2006) 3 SCC 674, (2006) 4 SCC 1: 2006 (2) JLJR (SC) 282: (2007) 1 SCC 533: (2007) 1 SCC 408: (2007) 6 SCC 207: CA 2244/2002—Relied upon.

2004(1)JLJR 76, 227: 2004 (3) JCR 265: (2001) 7 SCC 1: (1992) 1 SCC 695—Referred to.”

11. Considering the above facts and law laid down by Hon'ble Supreme Court and Hon'ble Jharkhand High Court, it shows that the concerned workman cannot be regularised by the management because they have failed to prove that they have worked with the management. As per statement of the concerned workman they have got no paper to show that they have worked with the management.

12. In the result, I render the following award—

That the demand of the Dalit Mazdoor Sangh that Smt. Baitulan Bibi and 52 others be treated as employees of West Mudidih Colliery of M/s. B.C.C. Ltd. and be regularised in services is not justified. Hence, the concerned workmen are not entitled to any relief.

नई दिल्ली, 7 सितम्बर, 2011

का.आ. 2796.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार तुंगभाद्रा ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/प्रम न्यायालय, बंगलौर, के पंचाट (संदर्भ संख्या 23/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-09-2011 को प्राप्त हुआ था।

[सं. एल-12012/286/2003-आईआर (बी-I)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 7th September, 2011

S.O. 2796.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2004) of the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore, as shown in the Annexure in the Industrial dispute between the management of Tungabhadra Gramin Bank and their workmen, received by the Central Government on 7-09-2011.

[No. L-12012/286/2003-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 8th September, 2006

Present : Shri A. R. Siddiqui, Presiding Officer

C.R. No. 23/2004

I Party

Sh. Somasundar,
173, Kappagal Road,
Bramha Sastry Compound,
Near Masjid,
Bellary - 583 103.

II Party

The Chairman,
Tungabhadra Gramin Bank,
(Head Office), Gandhinagar,
Bellary - 583 101.

APPEARANCES

I Party : Shri P. S. Rajgopal, Advocate

II Party : Shri K. V. Krishna Murthy, Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide Order No. L- 12012/286/2003-IR(B-1) dated 22-3-2004 for adjudication on the following schedule:

SCHEDULE

“Whether the action of the management of Tungabhadra Gramin Bank in imposing the penalty

of dismissal from services to Shri Somasundar w.e.f. 11-7-2002 is justified? If not what relief the applicant is entitled to and from which date?”

2. A charge sheet dated 10-11-1999 was issued to the first party-workman as under:

CHARGE-I

“You were working as Clerk in our Muslapur Branch from 29-05-97 to 3-7-98.

Sri Hanumappa, S/o Shivappa, R/o Obalabandi had availed a crop loan from Muslapur Branch under account No. NODP 123/97-98. The said borrower along with one Sri Veerabhadraiah, S/o Malaiah Swamy, R/o Obalabandi had approached a customer of the branch viz, Rajasab (who is having a SB Account No. 32) to get a temporary loan of Rs. 13,000 from him to close the aforesaid loan NODP 123/97-98. As per their request, Sri Rajasab issued a self cheque (withdrawal slip No. 788398) dated 25-4-98 for Rs. 13,000 and requested you to adjust the proceeds to the loan account of Sri Hanumappa (i.e. NODP 123/97-98) and after sanctioning a fresh loan to the said party, credit the like sum out of the loan proceeds to his SB Account No. 32. As the liability in the said loan account was Rs. 13,060 you adjusted the proceeds of the aforesaid cheque i.e. Rs. 13,000 and also collected the balance amount of Rs. 60 from the party and closed the aforesaid loan account on 25-4-98.

On 4-5-98 a fresh crop loan of Rs. 14,000 was granted to Sri Hanumappa under Account No. NODP 22/98-99. The entire loan amount of Rs. 14,000 was disbursed the same day by crediting the proceeds to his SB Account No. 1886 at the first instance and later, by withdrawing the same through a self cheque (withdrawal slip No. 788437) signed by the borrower. On the said day i.e. 4-5-98 the borrower requested you to credit Rs. 13,000 out of his loan proceeds to SB Account of Sri Rajasab who had earlier arranged said amount for closure of his previous loan account. Accordingly, you obtained his signature on a blank SB Pay-in-slip and paid him Rs. 760 informing him that you have credited Rs. 13,000 to SB Account of Sri Rajasab and deducted Rs. 140 and Rs. 100 towards processing fee and crop insurance respectively. The particulars furnished by you on the back of the withdrawal slip will also disclose that you have paid Rs. 760 to the borrower by withholding Rs. 13,240 for adjustments as above. But, in fact you had credited Rs. 9,500 only to SB Account No. 32 of Sri Rajasab vide Receipt No. 18 on 4-5-98 instead of Rs. 13000 as falsely informed by you to the aforesaid borrower and misappropriated the balance amount of Rs. 3,500 (i.e. 13,000 of amount Rs. 9,500).

The records disclose that on the same day i.e. 4-5-98 you have purchased a DD for Rs. 5,000 favouring Prakash Rao Koravi drawn on Canara Bank, Gulbarga. On that day i.e. 4-5-98 there was a withdrawal of only Rs. 500 from your OD account No. 1. After the said withdrawal, the balance available for withdrawal in your OD account was minimum and even in your SB account also the balance was minimum. Thus, purchasing, of a DD for Rs. 5,000 by you by withdrawing the entire amount of Rs. 500 (leaving a minimum balance) from your said OD account and maintaining a minimum balance in your Savings Bank account will support and corroborate the aforesaid misappropriation of Rs. 3,500 by you.

Sri Rajesh, on verification of his Saving Bank passbook after some days, found that only Rs. 9,500 was credited to his SB account No. 32 on 4-5-98 instead of Rs. 13,000 as informed and requested by him earlier. When he enquired the said matter with you, you informed him that Rs. 9,500 was credited to his SB account No. 32 and the remaining amount of Rs. 3,500 was credited to Ramanna's account inadvertently and it would be settled after reporting of the Manager for duty who was on leave that day.

After Manager's reporting for duty, you called Sri Rajasab, Sri Ramanna, Sri Veerabhadraiah and the aforesaid borrower Sri Hanumappa to the branch and informed them that Rs. 3,500 was wrongly credited to Sri Ramanna's account instead of to Sri Rajasab's account and it was refuted by Sri Ramanna as he was in no way connected to the said transaction. However, the matter was finally settled among yourselves by deciding to pay/forgo the amount as under :

- (1) Sri Ramanna has to pay Rs. 2,000 to Sri Rajasab
- (2) You have to pay Rs. 500 to Sri Rajasab
- (3) Sri Rajasab has to forgo Rs. 1,000

Accordingly, Sri Ramanna and yourself paid cash of Rs. 2,000 and Rs. 500 respectively to Sri Rajasab. In fact Sri Ramanna and Sri Rajasab were not happy with the said settlement as they were made to pay penalty for their no fault.

You have thus misused your official position, misguided the customers, betrayed the trust and confidence reposed in you as Bank employee by the customers and misappropriated Rs. 3,500. Your said acts are detrimental to the interests of the Bank and its customers. You have undermined the dignity of your office and brought disrepute to the Bank. You have not served the Bank honestly and faithfully and thereby committed breach and of Regulation No. 19 of Tungabhadra Gramin Bank (Staff) Service Regulations, 1980 and acts of misconduct punishable

under Regulation No. 30 (1) of Tungabhadra Gramin Bank (Staff) Service Regulations, 1980.

CHARGE-II

You were working as Clerk at Muslapur branch from 29-05-97 to 3-7-98. On 9-05-98 you were handling cash and on that day a loan of Rs. 15,000 was disbursed to one Sri Basavaraj Killi, S/o Basappa, R/o Muslapur under loan account No. SSI 4/98-99. At the first instance, the loan proceeds of Rs. 15,000 was credited to his SB account No. 1271. Later on the same day, it was withdrawn by tendering a withdrawal slip No. 788477 signed by the borrower and out of which (Rs. 15,000) you accounted Rs. 4,000 to KDR account No. 50/98-99, Rs. 150 towards Commission (Processing Fee) account and paid 10,500. However, you did not credit the remaining balance of Rs. 350 to the borrower's SB account No 1271 as requested by him (i.e. Rs. 15,000 - 4,000 + 150 + 10,500). Instead, you misappropriated it.

The particulars of the adjustments furnished by you on the back side of the Payment Slip No. 2 (withdrawal slip No. 788477) does not say about the accounting of the balance amount of Rs. 350 by you. It has gone unexplained and unaccounted for. This will also support and corroborate the misappropriation of Rs. 350 by you. You have missed your official position, betrayed the trust and confidence reposed in you as Bank employee by the customer and misappropriated Rs. 350 of the customer. Your said acts are detrimental to the interests of the Bank and its customers. You have not served the Bank honestly and faithfully and thereby committed breach of Regulation No. 19 of Tungabhadra Gramin Bank (Staff) Service Regulations 1980 and acts of misconduct punishable under Regulation No. 30 (1) of Tungabhadra Gramin Bank (Staff) Service Regulations - 1980.

CHARGE-III

You were working as Clerk at Muslapur branch from 29-05-97 to 3-07-98. As per the request and authority given by the customer Sri Kumarappa, S/o Fakirappa, R/o Chikka Madinal, on 16-02-98 an amount of Rs. 21,000 was transferred from his SB Account no. 1871 to KDR 111/97-98 of his own depositing for 72 months. However, he was not given the said deposit receipt (KDR 111/97-98) and it was with the branch. After a few days, when the said customer had visited the branch, the Manager was not in the branch and on that day, you obtained his signatures on some of the documents and papers in blank. You did not inform him the purpose of obtaining his signatures on the said documents and papers. However, he was under the impression that they were required to the Bank as he had availed a loan (FML 1/97-98) for purchase of a tractor.

By using aforesaid blank documents and papers signed by Sri Kumarappa, you prepared a Value Secured Loan papers (VSL 23/98-99) i.e. loan application (F-422) and promote (F-7) for Rs. 17,300 on 26-06-98 and credited the proceeds to his account No.1871. You instructed of Sri Yankanna, Clerk to prepare transfer slips i.e. debit slip of VSL 23/98-99 and credit, slip of SB 1871 for Rs. 17,300 and accordingly, he prepared withdrawal slip No. 788601 of SB account 1871 for Rs. 17,300 dated 26-06-98 and you effected payment though was not the aforesaid loan sanctioned by the Manager and the said withdrawal slip was not passed for payment by him as required under the guidelines of the Bank. You did not pay the proceeds to the customer but misappropriated the same. The borrower was unaware of the said transactions and he came to know you alleged foul play only after enquiry by the Manager regarding availment of Value Secured Loan by him.

The following deviations/irregularities committed by you in course of aforesaid dubious you transactions will also and corroborate support the misappropriation of Rs. 17,300 by you :—

- (1) The loan application (F-422) prepared by you and it was not sanctioned by the Manager as required.
- (2) The Pronote (F-7) was filled up by you and it was not witnessed by the Manager as required, but it was witnessed by you alone.
- (3) The VSL ledger postings are done by you and the entry in the ledger sheet was not duly checked and initialed by the Manager as required.
- (4) KDR 111/97-98 was discharged by the customer, but his signature was not verified by the Manager as required.
- (5) The transfer slips i.e., debit and credit slips dated 26-06-98 pertaining to VSL 23/98-99 and SB 1871 respectively were not signed by the customer as required. They also do not bear the ledger folio numbers and signature of the Manager thereon.
- (6) The withdrawal slip dated 26-06-98 of SB 1871 for Rs. 17,300 was prepared by you, but it does not bear "Pay Order" or signature of the Manager. Though it was not passed for payment you have deliberately effected the said payment of Rs. 17,300 and misappropriated the same.

You have thus misused your official position, misguided the customer, betrayed the trust and confidence reposed in you as Bank employee by the customer, violated

the systems/procedures and Circular guidelines of the Bank and misappropriated Rs. 17,300 of the customer. These actions of yours are detrimental to the interests of the Bank and its customers. You have undermined the dignity of your office and brought disrepute to the Bank. You have not served the Bank honestly and faithfully.

You have thus acted in contravention to Regulation No. 17 and 19 of Tungabhadra Gramin Bank (Staff) Service Regulations-1980 and committed acts of misconduct punishable under Regulation No. 30 (1) of Tungabhadra Gramin Bank (Staff) Service Regulations-1980."

3. The first party workman (hereinafter called the first party) in his claim statement while challenging the Enquiry Proceedings conducted against him as violative of principles of natural justice also challenged the Enquiry Findings holding him guilty of charges of misconduct of perverse and the dismissal order passed against him as unjust and illegal.

4. The Management by its Counter Statement asserted and maintained that Domestic Enquiry conducted against the first party is fair and proper and in accordance with the principles of natural justice and the findings of the Enquiry Officer are based upon sufficient and legal evidence and the dismissal order is legal and justified keeping in view the gravity of misconduct committed by the first party.

5. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry findings on 15-9-2004 following preliminary issue was framed:

"Whether the Domestic Enquiry conducted against the first party by the second party is fair and proper?"

6. During the course of the said issue the management examined Enquiry Officer as MW 1 and got marked 6 Exhibits at Ex M-1 to Ex M-6. First party filed his affidavit evidence without getting marked any documents. After hearing learned counsel for the respective parties this tribunal by order dated 21-12-2005 answered the above said issue in favour of the management holding that Domestic Enquiry against the first party is fair and proper. There upon I have heard the learned counsel for the respective parties on the merits of the case.

7. Now, in the light of the above the question to be gone into would be as to whether the findings of the Enquiry Officer suffered from perversity and if not whether punishment of dismissal passed against the first party is proportionate to the gravity of the misconduct alleged to have been committed by him. The only relevant contention taken by the first party at para 9 of the claim statement with regard to the findings of the Enquiry Officer is to the effect that on a show cause notice issued by the management

bank on 28-05-2001 on the Enquiry Officer report, he submitted that the Enquiry Officer has not considered the arguments put forth by him in his defence brief and therefore he requested the Disciplinary Authority to consider his arguments and reject the findings of the Enquiry Officer. As noted above, it was the contention of the management that Enquiry Findings are supported by sufficient and legal, oral and documentary evidence and therefore they suffered from no perversity.

8. Learned Counsel for the first party in his arguments while referring to each of the charge of the misconduct leveled against the first party took the court through oral testimony of various witnesses examined during the course of enquiry and argued that none of the charges of the misconduct leveled against the first party have been proved. His main contention was that, it is the then branch manager examined before the Enquiry Officer as MW 1, who was the person responsible for the transactions involved in the aforesaid charges of misconduct and that first party being a clerk working in the bank had acted upon the directions given by manager and therefore he cannot be held responsible for misconduct alleged to have been committed by him as leveled in the charge sheet.

9. Whereas, the learned counsel for the management argued that on each and every charge of misconduct leveled against the first party, the customers involved have been examined and their testimony has been very much corroborated by the documents maintained by the bank in the usual course of the business. He submitted as many as nine witnesses were examined including the branch manager and the victims of the transactions involved in the aforesaid charges of misconduct. In support of the oral testimony there were 44 documents were marked and were taken into consideration by the Enquiry Officer along with the 9 documents produced by the first party at Exhibit DE 1 to DE 9. He also referred to the oral testimony of the customers involved in the aforesaid transaction being supported by the documentary evidence. He invited the attention of this tribunal to the enquiry findings in order to suggest that Enquiry Officer has dealt with each and every charge of misconduct leveled against the first party thread bare and exhaustively referring to the oral testimony of the witnesses and the documentary evidence and his findings holding the first party as guilty of the charges being supported by sufficient and legal evidence by no stretch of imagination it can be said to be suffering from perversity. He submitted that the first party has not been able to suggest or point out any legal or factual defect as to how the findings suffered from perversity and his only defence that those transactions had taken place under the instructions of the then manager was rightly rejected by the Enquiry Officer and the Disciplinary Authority as he cannot disown his liability throwing the blame upon his Superior Officer.

10. With regard to the quantum of punishment he submitted that punishment of dismissal was proportionate

in the light of the gravity of misconduct committed by the first party.

11. After having gone through the records, I find substance in the arguments advanced for the management as far as the proof of the charges levelled against the first party.

12. A perusal of the enquiry findings, as argued for the management, will make it abundantly clear that the Enquiry Officer has taken lot of care and pain in appreciating oral and documentary evidence produced by the management in order to establish charges of misconduct leveled against the first party. In this case, as noted above, as many as nine witnesses were examined by the management and as many as 44 documents were marked in support of the charges of misconduct leveled against the first party. It can be read from the findings that as far as charge No. 1 was concerned one Mr. Hanumappa's (MW 7) complaint investigation was done into the matter and it was found out that the first party had informed him about the credit of Rs. 14000 towards loan proceeds sanctioned to him out of which amount Rs. 13000 was supposed to be credited to Rajasab's (MW 9) SB Account No. 32, but only a sum of Rs. 9500.00 was credited to the account of said Raja Sab and balance amount of Rs. 3500.00 was not taken to the account of the said Raja Sab by the first party who dealt with the transaction in question. Therefore taking into consideration the oral testimony of Hanumappa and so also of said Raja Sab the Enquiry Officer rightly came into the conclusion that the first party utilized the amount of Rs. 3500 which was not credited to SB Account 32 of Sh. Rajasab.

13. With regard to Charge No. 2, It was brought on record that on 09-05-1998 there was withdrawal slip made from SB Account No. 1271 of one Basavaraja Killi (MW 5) to the extent of Rs. 15000.00 supported by the document at Ex. ME 30. It was found during the course of evidence supported by oral testimony of witness and the documents that a sum of Rs. 14650.00 only was accounted for to the above said SB Account of Basavaraja and sum of Rs. 350.00 remained with the first party not being accounted for in the said SB Account or in any other account of the said customer which amount was the subject matter of above said transaction in favour of said Basavaraj. It was well observed by the Enquiry Officer that notwithstanding the contentions of the defence in this regard particulars of the payment recorded on the back of SB withdrawal slip ME 30 (dt. 09-05-1998) of the said Basavaraja under the hands of the first party would reveal that a payment of total sum of Rs. 14650.00 as against the withdrawal of Rs. 15000.00 was recorded on the face of the said withdrawal slip has been very much established. There was no proper explanation given by the first party with regard to the above said credit nor he made good of this money with the bank. Coming to the third charge against the first party there is

again ample oral and documentary evidence to suggest that the first party created the transaction by sanctioning the VSL account No. 23/98 (ME 41) on 26-06-1998 against the KDR No. 111/97 in the name of one Mr. Kumarappa examined as MW 2 in the enquiry. It has come on record that the above said transaction was not done at the instance of MW 2 as could be seen from the connected documents as per Exhibit DE 4, debit slip for Rs. 17300.00 on VSL 23/98 dated 26-06-1998 which does not bear signature of the said depositor. It was also brought on record that the first party did not bring this transaction to the notice of the depositor at any time and that fact was very much deposed by the said witnesses supported by the documents maintained by the bank. The defence taken by the first party to the effect that on 26-06-1998 MW 1, the then branch management was very much present and the above said transaction did take place to his knowledge and he infact made certain noting for his own reference was rightly rejected by the Enquiry Officer on the ground that the papers concerning to said transaction did not bear the signatures of the manager though those papers were supposed to be signed by him clearing the said transaction. It is further observed by the Enquiry Officer that the defence of the first party that the branch manager verified all the relevant records does not get support from the very papers of the transactions not bearing his signatures. It was rightly observed that the first party acted without authority to him whether in the presence or in the absence of the branch manager. It was also rightly observed that the intention of the first party in not bringing those transactions to the notice of the manager makes it clear that, he wanted to misappropriate the said amount belonging to the customer of the bank playing fraud with the customer as well as with the bank much less breaching the trust reposed in the bank by its clients.

14. The defence taken by the first party that all the aforesaid transactions had taken place by the then branch manager or have taken place under his instructions and directions was again rightly rejected by the Enquiry Officer as well as by the Disciplinary Authority holding that I party cannot disown his responsibility and liability throwing the blame on his officers when he himself was supposed to deal with the transaction honestly and with integrity keeping in view the trust reposed in him by the bank and the clients of the bank. It was rightly observed that the first party's defence that he was acting under the orders of his superiors was not acceptable as he himself was not supposed to carry out any unlawful even if such an order existed. Therefore, having regard to the oral and documentary evidence pressed into service by the management on the aforesaid charges levelled against the first party which have been very much at length discussed and considered by the Enquiry Officer bestowing his utmost attention it can never be said that the findings of the Enquiry Officer

holding him guilty of the charges suffered from any perversity. It is neither a case of "No Evidence" or the case "No Legal and Sufficient Evidence" or that the findings of the Enquiry Officer were based upon any hearsay evidence or extraneous circumstances not supporting the charges leveled against the first party. Therefore, it can be safely concluded that first party has miserably failed to substantiate the contention that the findings of the Enquiry Officer are bad in law suffering from any perversity or arbitrariness. In the result, it is to be further held that charges of misconduct as leveled against first party have been proved by sufficient and legal evidence. Now coming to the quantum of punishment, keeping in view the gravity of the misconduct committed by the first party it cannot be said that the punishment of dismissal was harsh or is disproportionate. However, in this context it is to be noted that the contention of the first party that the then branch manager who was also issued with the similar charge sheet on enquiry was held guilty of the charges of misconduct by the Disciplinary Authority and penalty of dismissal was also imposed upon him. However, he has been reinstated in service with penalty of Reduction in time scale subsequently. This contention of the first party has not been denied by the management. Therefore, keeping in view the fact that the then branch management though found to be guilty of the charges of misconduct, has been reinstated into service with minor punishment, the penalty of dismissal passed against the first party appears to be unjust and discriminatory in nature. In the result, it appears to me that ends of justice will be met if the first party is dealt with punishment of compulsory retirement from service in place of dismissal order passed against him so as to allow him to get his terminal benefits and other service benefits provided under the scheme of compulsory retirement. Hence, the following award:

ORDER

The punishment of dismissal against passed the first party is hereby converted into punishment of his compulsory retirement from service from the date of the passing of the impugned punishment order. No orders to costs. Reference stands dismissed. No order to cost.

(Dictated to LDC, transcribed by him, corrected and signed by me on 8th September, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2011

का.आ. 2797.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डबल्यू. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 34/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-09-2011 को प्राप्त हुआ था।

[सं. एल-22012/93/2001-आई आर (सीएम-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 8th September, 2011

S.O. 2797.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2002) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur, as shown in the Annexure in the Industrial dispute between the management of Rayatwari Sub Area of Western Coalfields Limited, and their workman, which was received by the Central Government on 8-09-2011.

[No. L-22012/93/2001-IR (CM-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/34/2002

Date : 29-08-2011

Party No. 1 : The Sub Area-Manager,
Rayatwari Sub Area of WCL
Post :- Rayatwari,
Chandrapur (M.S.)

Versus

Party No. 2 : Shri Gajanan Mahadeo Mohitkar,
At : Parodhi, Post: Asta, Tah : Bhadrawati
Chandrapur (M.S.)

AWARD

(Dated : 29th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Rayatwari Sub Area of WCL and their workman, Shri Gajanan Mahadeo Mohitkar, for adjudication, as per letter No.L-22012/93/2001-IR(CM-II). dated 26-03-2002, with the following schedule:-

"Whether the action of the management of WCL through its Sub Area Manager, Rayatwari Sub Area, PO: Rayatwari, Distt. Chandrapur(MS) in terminating Shri Gajanan Mahadeo Mohitkar, Loader from services w.e.f. 23-09-1999 is legal and justified? If not, to what relief is the said workman entitled?"

2. On receipt of the reference, the parties were noticed for filing their respective statement of claim and written

statement and accordingly, the workman Shri Gajanan ("the workman" in short) filed his statement of claim and the management of WCL ("party no. 1" in short) filed their written statement.

According to the statement of claim filed by the workman, he is a permanent residential of Mouza Dhorwasa, in the district of Chandrapur and he had ancestor cultivated land, which was acquired by the WCL so as, a land oustee, he was appointed as a badli loader in Durgapur Rayatwari Colliery on 12-6-1986 as per sanction letter No.MP /17/ 1129 on 14-2-89, which was issued by the Personal Manager, WCL, Nagpur dated 9-4-1989 and thereafter, he worked continuously and he was regularized as a permanent worker in the year 1991 and in 1996, he suffered from Amochi Hepatitis and was unable to work and as such, he was hospitalized in the Government Hospital, Nagpur and remained absent from duty for some days and in the year 1998, his condition became serious, therefore he was rushed to Government Hospital, Nagpur and was admitted as an indoor patient and he remained in the hospital from 1-6-1998 to 31-3-1999 and was not able to attend his duty and due to his admission in the hospital and as his children were minor, neither he was able to communicate about his absence from duty to the office nor he was able to submit any application for remaining absent from duty and as such, management issued a charge sheet against him on 13-12-1998 for such long absenteeism and a departmental enquiry was initiated against him and in that enquiry, he gave his statement and also produced the medical certificate issued by the Civil Surgeon and certificate issued by Dr. Gaure and Dr. Chaurasia of Warora and in his statement, he clearly described the reasons of his remaining absent from duty and requested to permit him to join duty, but without considering his submission and the certificates submitted by him, the A.G.M., Rayatwari terminated his services w.e.f. 23-9-99 and the enquiry was not held properly and no document was supplied to him in spite of his demand and the documents in his possession were lost during travelling and as such he has no document in support of his claim and though he made representation to higher authorities of WCL praying for justice. Nobody helped him and the enquiry is illegal and not in accordance with the law. The workman has prayed for his reinstatement in service with continuity and back wages.

3. In the written statement, it has been pleaded inter-alia by the party no.1 that the workman was working in Mahakali Colliery as a loader w.e.f. 12-6-1989 and he was a permanent employee but he remained unauthorized absent from duty without any intimation for the period from 1-6-1998 and his past records also indicate that he was in habit of remaining absent from duty and he attended duty only for 118 days, 27 days and 16 days in the year 1996, 1997 and 1998 respectively and in the standing orders, remaining absent without sanction or to remain absence for more than 10 days, after the expiry of the sanctioned

leave has been specifically and categorically spelled out as misconduct, in terms of clauses 26.30 and 26.24 and as the action of the workman was treated as misconduct, the management decided to proceed against him as per the standing orders and accordingly, he was served with a charge sheet dated 30-12-1998 and as the workman did not submit his reply to the charge sheet, the Disciplinary Authority ordered to hold the departmental enquiry and appointed Shri R. P. Singh, Senior Under Manager, Mahakali Colliery as the Inquiry Officer and the Inquiry Officer, vide his letter dated 4-6-1999 fixed the enquiry to 18-6-1999 at 9.00 am and duly informed the workman, advising him to appear before him along with his witnesses and documents and also co-worker if he so liked, but on 18-6-1999, as the workman and so also management representative remained absent, the enquiry officer deferred the enquiry to 22-6-1999, with due information to the parties and on 22-6-1999, both the parties appeared in the enquiry and the workman was present with his co-worker and both the parties put forth their respective cases and filed documents, which were taken on record and as the parties relied on documentary evidence only, documents were exhibited and the enquiry was closed with the consent of both the parties and the Inquiry Officer submitted his report on 3-7-1999 holding the workman guilty of the charges and a copy of the enquiry report was sent to the workman vide letter dated 1-8-1999, asking him to submit his reply within three days of the receipt of the letter, but the workman did not submit any reply and considering the documents of his habitual absenteeism and serious nature of the misconduct and 23-9-1999 after obtaining approval of the competent authority, on 23-09-1999, the workman was dismissed from services and the departmental enquiry was fair and proper and as such, the workman is not entitled for any relief.

4. As this is a case of termination from service of the workman, after holding of a domestic inquiry, the question of the validity of the enquiry was taken up as a preliminary issue for consideration and by order dated 6-12-2010, the enquiry was held to be valid and proper and by observing the principles of natural justice.

5. It is necessary to mention here that since 11-2-2005 workman did not appear in this case and as such argument on the question of perversity of the findings and quantum of punishment was heard from the side of the management only. The case proceeded ex parte against the workman.

6. It was argued by the learned advocate for the management that the findings of the enquiry officer are not perverse as the same are based on the evidence adduced before him in the enquiry and the findings are not contrary to the evidence on record and the enquiry officer has analyzed the evidence properly and arrived at the findings and there is also no pleadings from the side of the workman about the perversity of the findings of the enquiry officer and the quantum of punishment is also justified, as because,

the workman was a habitual absentee and during the enquiry, the workman admitted the charges leveled against him and he had not sent any information to the management about his alleged sickness and according to the Certified Standing Orders, he should have obtained sick leave by submitting an application supported with medical certificate, but the workman did not do so and the misconduct committed by the workman was very serious in nature and as such, the order of dismissal from service is perfectly justified and legal and the same doesn't call for any intervention, as the same is not shockingly disproportionate to the charges. In support of such contentions reliance has been placed on the decisions reported in AIR 1972 SC-2182 (M/s. The Banaras Electric Light and Power Co. Ltd. Vs. The Labour Court, Lucknow), 2001 LAV. I.C.-2367 (Syed Rahimuddin Vs. Director General, C.S.I.R.), 2003 LAV. I.C. -757 (Regional Manager, UPSRTC Vs. Motilal) and 2008 LAV. I.C. 415 (M/s. L&T, Komastu Ltd. Vs. N. Udaykumar).

7. Perused the record including the documents of the departmental enquiry. The findings of the enquiry officer are based on the evidence adduced in the enquiry. He has assigned cogent reasons for arriving at the conclusions. The serious charge of regular absenteeism has been proved against the workman in a properly held domestic enquiry. Applying the principles enunciated by the Hon'ble Apex Court in the decisions mentioned above, to the facts and the circumstances of this case, it is found that the findings of the enquiry officer are not perverse and the punishment of termination from services passed against the workman is not shockingly disproportionate to the proved serious misconduct. Hence, there is no scope to interfere with the punishment imposed against the workman. Hence, it is ordered:

ORDER

The action of the management of WCL through its Sub Area Manager, Rayatwari Sub Area, PO: Rayatwari, Distt. Chandrapur (MS), in terminating Shri Gajanan Mahadeo Mehitkar, Loader from services w.e.f. 23-09-1999 is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2798.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, नागपुर के मंचाट (संदर्भ संख्या 37/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-09-2011 को प्राप्त हुआ था।

[सं. एल-12012/49/2007-आई आर (बी-1)]

रमेश सिंह, डैस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2798.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2007) of the Industrial Tribunal, Nagpur, as shown in the Annexure in the Industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 9-9-2011.

[No. L-12012/49/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/37/2007

Date : 30-8-2011

- Party No.1 (a)** : Shri S. G. Desai,
Dy. Manager, HRD, Satet Bank of India,
Kingsway, Nagpur.
- (b) : Shri V.V. Nirgudkar,
Law Officer, State Bank of India,
Kingsway, Nagpur.

Versus

- Party No. 2** : The Assistant Secretary,
SBI Staff Union, C/o State Bank of India,
Zonal Office, Kingsway, Nagpur

AWARD

(Dated : 30th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and their workman, Smt. S.S. Deshmukh, for adjudication, as per letter No. L-12012/49/2007-IR(B-I) dated 25-6-2007, with the following schedule:-

"Whether the action of the management of S.B.I., Nagpur in imposing the penalty of dismissing the services of Smt. S.S. Deshmukh is legal and justified? If not, what relief to the workman is entitled to?"

2. On receipt of the reference, notices were sent to the parties to file their respective statement of claim and written statement, in response to which, the union, S.B.I. Staff Union ("the union" in short) filed the statement of claim and the management of State Bank of India ("the party no. 1" in short) filed the written statement.

The case of the workman is that she was a permanent employee of party no. 1 and she was appointed as a clerk/typist on 23-9-1981 and posted at C.R.M. Branch, Mumbai

and in 1984, she was transferred to Akola Branch and worked as a typist and attended the enquiry counter for 15 years and from Akola, she was again transferred to Treasury Branch, Akola and continued to work at Akola till the date of her illegal dismissal from service, by order dated 1-8-2003 and during the tenure of her service of 22 years, she had secured appreciation certificates from the management for her good working performance and by considering her good and satisfactory working performance and unblemished service career, she was promoted in February, 2001 as Senior Assistant and posted to A.D.M. Akola Branch and in September, 2001, on administrative ground, she was transferred to old city Branch, Akola from where she was dismissed by impugned order dated 1-8-2003. The workman has also pleaded that she enrolled her name as member of Indian Institute of Bankers in 1987 and passed first examination of C.A.I.I.B. in 1989 and in 1990, she appeared for part II examination of C.A.I.I.B. and in the month of June, 2000, she appeared for practice and law of Banking examination, but failed and applied for verification of marks by visiting in person to C.A.I.I.B. Office at Mumbai and on verification and revaluation, she was declared pass and received the certificate from C.A.I.I.B. Office through registered speed post service, in her residential address on 21-09-2000 and she submitted the said certificate to the management to get P.Q.A. benefit and on getting the approval from the controlling authority, she was allowed P.Q.A. allowance of Rs. 12 + D.A.+H.R.A. on the same, Rs. 150 to Rs. 170 in total per month by the management from October 2000 and all of a sudden, on 4-7-2002, she was asked by the Branch Manager of SBI Old City Branch, Akola to produce the original certificate and she submitted the original certificate on 13-7-2002, but she was surprised to receive the show cause notice dated 12-9-2002 having the allegation that while she was working at Treasury Branch, Akola, she submitted the fabricated pass certificate of part II of Indian Institute of Bankers, though in fact, she had not passed the said examination and in the show cause notice, charges were levelled against her that she knowingly made false statement with ulterior motive to derive pecuniary benefits on ongoing basis from the Bank and committed gross misconduct under the provision of para 521 (4)(m) of Sastri Award and she specifically refused the allegations and the charges levelled against her and submitted that the certificate was submitted innocently and without any malafides but the management by letter dated 7-11-2002 informed her about initiation of the disciplinary enquiry and appointed Shri S. S. Kale as the enquiry officer and in the enquiry, she was allowed to be represented by her defence representative and the enquiry officer after closure of the enquiry, submitted his report on 8-3-2003 and she received the second show cause notice on 16-6-2003 and submitted her reply on 10-7-2003, denying the findings of the enquiry officer, but on the basis of the illegal, arbitrary and perverse finding of the enquiry officer and without considering her defence

and her past 22 years of clean service record and her reply to the show cause notice, the Disciplinary Authority awarded the punishment of dismissal from service without notice by order dated 1-8-2003 and the punishment is shockingly disproportionate and the same is also illegal, in absence of any misconduct on her part.

It is further pleaded by the workman that the alleged misconduct levelled against her as per clause 521 (4) (m) of Sastry Award is not applicable to her, as the certificate in question was submitted by her in September, 2000 and the new clause in respect of the misconduct under provision of Para 521 (4) (m) of Sastry Award was amended and effected as per the settlement dated 10-4-2002 under Section 2 (p) read with Section 18(1) of the Act read with Rule 58 of the Industrial Disputes (Central) Rules, 1957 ("the Rule" in short) and as the amended para 521(4) (m) of Sastry Award came into operation w.e.f. 10-4-2002, the charges of misconduct in the show-cause notice dated 12-9-2002 as levelled against her on the basis of the amended provisions are not applicable to her and on this count, there is no misconduct on her part and therefore, conducting of enquiry and punishment of dismissal are totally illegal, unwarranted and deserved to be quashed and set aside. It is further averred by the workman that the appeal preferred by her before the Appellate Authority was rejected on 10-6-2007 mechanically, without consideration of the grounds raised by her and in fact, she had not committed any misconduct and no false statement had been made by her with ulterior motive to derive pecuniary benefit as alleged by party no. 1 and the certificate in question had been sent by C.A.I.I.B. institute to her by registered speed post and as such, she had no scope to know that the said certificate is false and she submitted the certificate bona fide as a true, correct and valid certificate and also submitted the original certificate along with registered envelop, as per the demand letter of management dated 4-7-2002 and had the certificate been filed with malafide intention, then she should not have submitted the original certificate and important documents relating to investigation report on the alleged matter, reporting letter by Branch Manager, Treasury Branch, Akola and her service sheet were not supplied to her by party no. 1 or the enquiry officer, inspite of her demand and thereby she was denied fair opportunity of defence and there was violation of the principles of natural justice and no evidence of any witness was recorded by the enquiry officer, as a result, there is no evidence to prove that the certificate produced by her is false and the management relied on the correspondence dated 8-7-2002, but as the author of the said document was not examined in the enquiry, hence reliance placed on the said document by the enquiry officer per se is illegal and the alleged copy of fax message dated 5-7-2002 was also not produced in the enquiry and the enquiry officer without supplying copies of the documents to her, relied on the documents and thereby principles of natural justice were violated and

opportunity of hearing was not given to her, while conducting the enquiry and imposing punishment and the entire action on the part of management is illegal and void ab-initio and the findings of the enquiry officer are perverse and without any evidence and the report is an outcome of malafide intention on the part of the management and hence, the punishment of dismissal from services awarded against her by the impugned order dated 1-8-2003 is deserved to be quashed and set aside and the punishment of dismissal from services is totally unjust, unwarranted and apparently illegal in law and in fact, the same is shockingly disproportionate and as two increments in her regular pay were given on the basis of the certificate produced by her and if on verification, the said certificate was found not to be correct, then, only the benefit of granting the additional increments was required to be stopped, holding that she is not entitled for the same, which was also actually done by the management by the impugned order and therefore, imposing grave and serious punishment of dismissal from service is totally unwarranted, illegal and disproportionate. It is also pleaded by the workman that she was not served with the show-cause notice before accepting the findings of the enquiry officer, so accepting the findings of the enquiry officer by the management is illegal and her 22 years of clean and unblemished service records were not considered by the Disciplinary Authority, at the time of imposition of the punishment, which is itself is sufficient to set aside the dismissal order and the Appellate Authority while rejecting the appeal preferred by her against the order of punishment imposed against her did not consider the submission made by her, but mechanically dismissed the appeal.

The workman has prayed to quash and set aside the order dated 1-8-2003 and to reinstate her in service with continuity and full back wages and all attaining benefits.

3. The party no. 1 in its written statement has pleaded inter-alia that while the workman was working in Treasury Branch, Akola submitted a certificate purportedly issued by Indian Institute of Bankers informing the Bank of her passing CAIIB part II examination and the Bank referred the certificate submitted by her for verification to the Indian Institute of Bankers, Mumbai on or about 5-7-2002 and the bank received a letter dated 8-7-2002 from the said Institute in which it was informed that the workman has not passed part II of CAIIB examination and the documents submitted by the workman were not in order and were fabricated and if any employee passes part I of CAIIB examination, he is entitled to get one increment with all benefits and if an employee passes part II of CAIIB is entitled to get further two increments with all benefits and the said benefits result in cumulative benefits on ongoing basis, during the entire period of service and gainfully affect the pensionary benefits and a show-cause notice-cum-charge sheet was issued against the workman on 12-9-2002, on the allegation of her submitting fabricated certificate, even though she

did not pass part II of CAIB examination and knowingly making false statement with ulterior motive to derive pecuniary benefits on ongoing basis and the workman denied the charges and it did not accept the explanation of the workman and decided to hold a departmental proceeding to enquire into the charges and the enquiry officer held the enquiry on 13-12-2002 and 17-1-2003 and the workman participated in the enquiry and on 8-3-2003, the enquiry officer submitted his report holding the charges against the workman to have been duly proved and the Disciplinary Authority was in agreement with the findings of the enquiry officer and having regards to the facts of the case and material available on the record and the seriousness of the charges levelled against the workman, there was no question of showing leniency and the charges amount to gross misconduct under the service condition, and as such it was tentatively decided to inflict the punishment of "dismissal without notice" under para 521 (5) (a) of Sastry Award and accordingly show cause notice dated 16-6-2003 was issued against her and the workman submitted her reply by letter dated 10-7-2003 and having regard to the misconduct committed by the workman, which was duly proved during the enquiry, the Disciplinary Authority by order dated 1-8-2003 passed the order of dismissal from service of the workman and the Appellate Authority after going the entire proceeding rejected the appeal preferred by the workman.

It is further pleaded by the party no. 1 that the enquiry was held against the workman in accordance with law and by observing the principles of natural justice and the workman was given all the opportunity to defend herself and she engaged her defence representative, Shri B.R. Gokhale, a office bearer of the union and she was provided with all the documents relied on by the Bank and she was also provided with the copy of enquiry report along with the show cause notice and she was also granted personal hearing and having regard to the gross misconduct of the workman, the punishment of dismissal was rightly imposed against her and the punishment is commensurate with the gross misconduct committed by her.

The further case of the party no. 1 is that the workman deliberately produced fabricated certificate in order to gain financial advantage on ongoing basis and the certificate was not submitted innocently and without malafides by her and having regard to the gross misconduct, the punishment given to her is just and proper and as Sastry Award came to be amended w.e.f. 10-4-2002 and the certificate was submitted by the workman in September, 2000, she will not be entitled to claim any benefit out of the same, as she was getting the allowances on ongoing basis and when action was taken against her, Sastry Award was already amended and as such it was justified in invoking the provisions of amended Sastry Award and as such, the claim of the workman that there was no misconduct and conducting enquiry and imposition of punishment is illegal and unwarranted is not true and the workman has not

disputed that the certificate is false and fabricated, but she has falsely stated that she was not aware of the said fact, only in order to falsely show that there was no malafide intention on her part and as because, she produced the original certificate as directed by the Bank, the same cannot be held to be bona fide, correct and valid and the enquiry officer considered the entire materials available on record and strict rules of evidence, are not applicable in domestic enquiry and the findings are based on evidence on record and not perverse and the workman is not entitled for any relief.

4. As this is a case of dismissal of the workman from service after holding of a domestic enquiry, the validity of the said enquiry was taken up as a preliminary issue for consideration and by order dated 28-10-1990, the enquiry was held to be legal and proper.

5. Now the questions for consideration are regarding the perversity of the finding of the enquiry officer and the quantum of punishment.

During the course of argument, it was submitted by the learned advocate for the workman that the alleged misconduct under clause 521(4) (m) of Sastry Award is not applicable to the allegations against the workman, since the misconduct was newly awarded in the Sastry Award, by the way of amendment, as per settlement dated 10-4-2002 and the misconduct alleged is of September, 2000 and para 521(4) (m) of Sastry Award is also not applicable to the allegations leveled against the workman, as the same deals with "resorting to unfair practice to any nature what-so-ever in any examination " and the alleged misconduct is not pertain to resorting to unfair practice in any examination and as there was no misconduct on the part of the workman, the punishment of dismissal is shockingly disproportionate, illegal and arbitrary and the Appellate Authority also did not give any detailed cogent reasons for dismissing the appeal and the unblemished 22 years of past service record was also not taken into consideration and from the date of her dismissal from service, the workman is not gainfully employed and as such, the workman is entitled for reinstatement in service with continuity and full back wages. In support of such contentions, reliance was placed by the learned advocate for the workman on the decisions reported in 2008 III LJ-1 (SC) (Mavij C. Lakman Vs. Central Bank of India), 2002 SCC (L&S)-1030 (Regional Manager and Disciplinary Authority, State Bank of India, Hyderabad Vs. S. Md. Gaffar), AIR 1981 SC-2085 (Ramji Dayalwala and Sons Vs. Invest Import), 1973 I LJ-278 (The workman of M/s. Fire Stone Type and Rubber Co of India vs. The Management and others), 2004 III CLR -554 (Basanti Das Vs. State of West Bengal), 1999 II CLR-498 (C.V. Raman Vs. SBI), 1984 I L.I.J-16 (Glaxco Laboratories Vs. Labour Court), 1990 I L.I.J-Bom-236 (The Indian Tobacco Co. Ltd. Vs. The Industrial Court) and MRTU & PULP cases -293 (The Mill Manager Vs. The Industrial Court).

6. Per contra, it was submitted by the learned advocate for the party no.1 that the charges against the workman were that the workman had submitted fabricated certificates purportedly issued by the Indian Institute of Bankers to show that she had passed part II of CAIIB examination and by submitting such fake certificates, she was getting allowances amounting to Rs. 150—Rs.170 per month on ongoing basis and such facts have been admitted by the workman in paragraph 4 of the statement of claim and in her cross-examination and thus the intention of the workman was to get pecuniary advantage on the basis of false and fabricated certificates on ongoing basis and the charges have been duly proved against the workman during the enquiry and the misconduct being serious in nature, the punishment of dismissal from service was rightly imposed against her and as such, the punishment cannot be said to be shockingly disproportionate and does not calling for any interference. In support of such submissions, reliance was placed by the learned advocate for the party no. 1 on the decisions in the case of Director General Indian Council of Medical Research Vs. Dr. Anil Kumar Ghosh, AIR 1998 SC 2592 and U.P. State Road Transport Corporation Vs. Basudeo Chaudhary and another (1997) II SCC-370. It was also submitted that the decision reported on 2008 III LLJ-1, on which reliance has been placed by the workman is not applicable in the instant case in view of the difference between the facts and circumstances of the case, at hand and the facts and circumstances of the case referred in the said decision and the workman is not entitled for any relief.

• Keeping in view the principles enunciated by the Hon'ble Courts in the decisions cited by the learned advocates for both the parties, now, the present case at hand is to be considered.

7. It is necessary to mention here that after passing orders on the validity of the departmental enquiry and holding the enquiry to be valid and proper, my predecessor-in-office permitted the parties to lead evidence in respect of quantum of punishment and the workman examined herself as a witness. However, in view of the provision of section 11-A of the Act, which provides that in case of an industrial dispute relating to the discharge or dismissal of the workman, the Labour Court, Tribunal or National Tribunal, as the case may be shall rely only the materials on record and shall not take any fresh evidence in relation to the matter such evidence is to be excluded from consideration.

8. First of all, I will take up the submission that no misconduct was committed by the workman. According to the learned advocate for the workman, as per the allegations made against the workman in September, 2000, she submitted the fabricated certificates and action was taken against her under clause 52 (4) (m) of Sastry Award, which was added in the Sastry Award by way of amendment as per the settlement dated 10-4-2002 as such amendment is effective

and operative prospectively and as such, the same cannot be made applicable retrospectively to the misconduct alleged to be committed in September, 2000.

The reply of the learned advocate for the party no. 1 to the above submission was that after producing fabricated certificates, the workman was getting allowances on ongoing basis and when the management of the Bank decided to take action against the workman and served the show cause notice-cum-charge sheet on 12-9-2002, the amended clause in Sastry Award had already come into force and as such, there is nothing wrong in applying the said clause against the workman.

The workman has filed the copy of the settlement dated 10-4-2002, which has been admitted by the party no.1. Admittedly, prior to 10-4-2002, in clause 521 (4) of Sastry Award, "Knowingly making a false statement in any document pertaining to or in connection with employment in the Bank" was not included in the expression of "gross misconduct" and the above clause was included in the expression of "gross misconduct" on the basis of the settlement dated 10-4-2002. It is also not disputed that after production of the documents including pass certificate in question by the workman in September, 2000, she was getting allowances on ongoing basis from October, 2000, on the basis of the said documents and when the information from the Indian Institute of Bankers was received by the Bank that the documents filed by the workman are fabricated and the Bank served the show cause notice-cum-charge sheet on 12-9-2002, the amendment made in regard to the expression "gross misconduct" as given in clause 521(4) (m) had already come into force. On perusal of the copy of the settlement, it is found that the clause, "Knowingly making a false statement in any document pertaining to or in connection with his employment in the Bank" was included as clause "m" to the definition of "gross misconduct" in clause 521(4) of Sastry Award. When the workman was getting allowances basing on the certificates in question, on the date the management of the Bank decided to take action against her on the allegation of submitting fabricated documents and the amended clause as mentioned above had already come into force, it was quite lawful for the Bank to take action against the workman as per the amended provisions of the Sastry Award. Hence, I find no force in the contention raised by the learned advocate for the workman.

8. So far the other contention raised by the learned advocate for the workman that clause 521(4) (m) deals with "resorting to unfair practice in any examination conducted by the Indian Institute of Banker....." and not with "knowingly making a false statement in any document...." is concerned, I find no force in the same. On perusal of the Settlement dated 10-4-2002 it is found that the terms "Knowingly making a false statement in any document pertaining to or in connection with his employment in the Bank" were added as sub-clause (m) to the expression of

"gross misconduct" as given in clause 521 (4) of Sastry Award.

It is necessary to mention here that along with the list of additional citation filed by the learned advocate for the workman, a copy of reference book on staff matters of "Award Staff" was filed in which, clause "m" of the expression "minor misconduct" deals with "resorting to unfair practice in examination..... in cases not covered by sub-clause "n" under gross misconduct. However, sub-clause (m) of the expression "gross misconduct" in the said reference book also deals with "knowingly making a false statement in any document pertaining to or in connection with his employment in the Bank". Hence, it is held that there is also no force in the contention raised by the learned advocate for the workman.

9. On perusal of the documents filed by the workman, regarding the departmental enquiry, it is found that the findings of the enquiry officer are not perverse. It is clear from the information received from the Indian Institute of Bankers that the workman did not pass part II of CAIIB and submitted fabricated documents. According to the learned advocate for the workman, as copies of the documents were not supplied to the workman and as the person, who had issued the letter to the Bank stating that the documents submitted by the workman were fabricated, was not examined in the enquiry, the findings based on such document can be held as perverse. However, I do not find any force in the submission, as firstly, it is well settled that strict rules of the evidence Act are not applicable to departmental proceedings, secondly, inspite of non-supply of such documents, the workman took part in the proceeding and she has not shown that due to non-supply of the documents, she was prejudiced in any way, thirdly, she did not raise any objection, while the documents were produced by the management representative and taken on record by the enquiry officer as evidence on behalf of the management and lastly, the workman has not claimed that she actually passed part II of CAIIB examination and the documents filed by her are genuine documents. Her claim is that documents were submitted by her innocently and without malafides. The workman has claimed that she received the pass certificates from the Indian Institute of Bankers by registered speed post in her home address and filed the same before the authority. In support of her claim, she filed an envelope to show that the certificate in question was sent to her in the said envelope by the Indian Institute of Bankers. However, from merely filing of the envelope it can be held that the certificate in question was sent by the Institute in question to the workman in the said envelope. Moreover, there are other suspicious circumstances which create doubt regarding the said claim of the workman. If the certificate was actually sent in the said envelope by the Indian Institute of Bankers by registered speed post from Mumbai to the workman in her home address, then the receipt granted by the post office

for sending the envelope by registered speed post must have been granted to the institute and the institute should have in possession of the same in the office, to keep account of the same, but the workman has also filed the zerox copy of the receipt along with of the envelope, to show the date of dispatch of the envelope, but she did not say how she was in possession of the said postal receipt. It is also pleaded by the workman in the statement of claim that she failed in part II of CAIIB examination and applied for verification of marks visiting in person to CAIIB office at Mumbai and on verification and revaluation, she was declared pass. In the statement of claim she had not mentioned the date of her visit to CAIIB office. However, she has filed the zerox copy of the letter, Exhibit W-17 to show that she applied for revaluation of her answer paper and the said letter shows that it was submitted on 18-9-2000. However, Exhibit W-15, filed by the workman shows that by letter dated 04-09-2000, she was intimated by the Indian Institute of Bankers that she had completed the Associate examination of the Institute and is entitled to receive the relevant certificate. If the workman had received the intimation of completion of the examination, then there was no question of her applying for revaluation of the examination paper and if she had failed in the examination and she approached the Institute for revaluation of her answer paper on 18-09-2000, then there was no question of the Institute intimating her by letter dated 04-09-2000 regarding her completion of the examination and issuance of the certificate. So it is clear from the materials produced by the parties in the departmental proceedings that the workman knowingly produced the pass certificate of part II CAIIB examination, which was a fabricated one, for monetary gain on ongoing basis and the findings of the enquiry officer are based on the materials on record and are not perverse.

It is necessary to mention here that the copy of the order passed by the Appellate Authority has not been filed by the workman, to show that the Appellate Authority rejected the appeal mechanically.

10. So far the question of the punishment is concerned, it is found that the workman, who was an employee of the Bank and held a position of trust was charged with serious gross misconduct of submission of fabricated certificates for monetary gain on ongoing basis and the serious misconduct was proved in a departmental proceeding which was held properly. Hence, the punishment imposed against the workman cannot be said to be shockingly disproportionate to the proved misconduct, calling for any interference. Hence it is ordered:

ORDER

The action of the management of S.B.I., Nagpur in imposing the penalty of dismissing the services of Smt. S.S. Deshmukh is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2799.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधनत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, अरुणाकुलम के पंचाट (संदर्भ संख्या 20/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/51/2008-आई आर(बी-1)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2799.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 9-9-2011.

[No. L-12012/51/2008-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri D. Sreevallabhan, B.Sc., LL.B.,
Presiding Officer

(Thursday the 18th day of August,
2011/27th Shravana, 1933)

I.D. 20/2008

Workman : Shri. P. M. Haridasan,
Ponnelli House,
Pookongad, Thalipparamba,
Kannur District.

By Adv. Shri. T.C. Krishna.

Management : The Deputy General Manager,
State Bank of India,
Circle Development Office,
H.R. Department,
Local Head Office,
State Bank of India,
Trivandrum.

By Adv. Shri. George Thomas.

This case coming up for final hearing on 09-08-2011 and this Tribunal-cum-Labour Court on 18-08-2011 passed the following.

AWARD

Challenge was made by the workman Sri. P. M. Haridasan with regard to the validity of the retrenchment

from service by issuing Ext. W9 notice dated 09-06-2007 by the management by raising an industrial dispute and the same has led to this reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

2. The reference is:

"Whether the action of the management of State Bank of India in retrenching Sri. P.M. Haridasan from his services w.e.f. 09-06-2007 in spite of his continuous service for years together, is fair and justifiable? To what relief is the workman concerned entitled?"

3. The workman was working as Temporary Messenger/Peon after joining the service of the management as a Casual Labour during the year 1985. While so, he was terminated from service w.e.f. 17-08-1992. About it he had raised an industrial dispute but no reference was made by the Government. Hence he filed O. P. No. 11704/1994 before the Hon'ble High Court of Kerala. As per the direction of the Hon'ble High Court in that O. P. the matter was referred to Labour Court, Kozhikode. There it was numbered as I.D. No. 8/1995 and by award dated 31-03-1997 the Labour Court directed the management to reinstate him in service with back wages, continuity of service and other attendant benefits. Even though there was no challenge against the award it was not implemented by the management and hence he filed a claim petition under Section 33(C)-2 of the Industrial Disputes Act as C.P. (C) 4/1998 before the Labour Court, Kozhikode. It was allowed vide order dated 11th May 1998. Against that order management filed O. P. 18328 of 1998 before the Hon'ble High Court of Kerala. The O. P. was allowed and the Labour Court was directed to decide the matter afresh after hearing both parties vide judgment dated 22-06-1999. Against that judgment workman filed Writ Appeal No. 2003/1999 (A) and the same was disposed of by a Division Bench of the Hon'ble High Court of Kerala vide judgment dated 24th July 2003. As per that judgment petitioner is entitled to get back wages with all other benefits depending upon his continuity of service until reinstatement in tune with the formula contained in the award of the Labour Court. On 19-01-2007 he was called upon to report for work and thereby he had joined duty. Before that he had submitted a representation for a new scale of pay as well as for permanent absorption by letter dated 02-06-2004. His claim was rejected by the bank and it was informed through letter dated 09-10-2004. The rejection of his claim was challenged by the workman by filing O. P. W.P.(C) 4052/2005 before the Hon'ble High Court of Kerala. The O.P. was dismissed and against the dismissal he filed Writ Appeal No. 448/2006 before the Hon'ble High Court of Kerala. The Writ Appeal was allowed in part by directing the management to provide a pro rata increase in the daily wages of the workman depending upon the revisions made at different times. The workman was also allowed to

approach the authorities concerned seeking regularisation based on any order or status or settlement, if any, in that regard. Without making full payment of the wages as per the direction in that judgment he was terminated from service by order dated 9-6-2007 by the management.

4. According to the workman the retrenchment is illegal as it was effected without complying with the requirements under the provisions of law and in violation of the principles of natural justice. In the claim statement it is alleged that no proper notice was issued as contemplated under law and compensation was not paid on the basis of eligible wages. No valid reason was stated for terminating him from service and the reason stated is not true. There is still vacancy of daily Messenger/Peon in the management bank and the same is being carried out through Part Time Sweepers. It is only because of the legal fight for his legitimate claims he was terminated from service by the management. Persons much junior to him are still working in the different branches of the management. Hence his termination from service w.e.f. 9-6-2007 is illegal and unjustifiable and he is eligible to be reinstated with full back wages and continuity of service.

5. In the written statement management would contend that the workman was initially engaged as a substitute Messenger in leave vacancy for 39 days during 1985, 193 days in 1986 and 147 days in 1987 and thereafter as Casual/Daily Wager on different days between July 1987 and August 1992. He was not engaged thereafter due to non-availability of vacancy. He was treated as a Casual Labour/Daily Wager. As per the settlements dated 17-11-1987, 16-7-1988, 9-1-1991 and 9-6-1995 entered into between the State Bank of India Staff Federation and the management bank it was agreed to absorb such employees on certain terms and conditions as a one time measure. Pursuant to the settlements the workman was considered for permanent appointment along with other temporary employees and he was candidate No. 236 in the wait list of Zonal Office, Ernakulam. Out of the 348 candidates in the wait list 197 were permanently appointed by filling up the available vacancies. The settlement provided for permanent absorption only for filling up the vacancies up to 1994 and it was to be filled before 31-3-1997. The workman after participating in the selection process in terms of the settlement cannot now claim any permanent appointment in the bank independently of the settlement since those settlements were drawn up under the provisions of S.18(1) and 18(3) of the Industrial Disputes Act. The workman was only a temporary employee under the management and he was employed only when there was work. He was paid wages @ Rs. 30 per day. As per the award in I.D. 6/1995 he was reinstated as a temporary daily wage earner in January 1998 and an amount of Rs. 39,600 was paid as arrears of wages for the period from August 1992 to January 1998. He did not report for duty by making demand to get permanent

employment in the bank. Afterwards he filed Writ Petitions before the Hon'ble High Court for regularisation as a permanent employee. As it did not become fruitful he had submitted a representation to the management for permanent absorption and for awarding a new scale of pay vide letter dated 2-6-2004. It was not granted and hence challenge was made by filing O.P. W.P. (C) 4052/2005 before the Hon'ble High Court of Kerala but the same was dismissed. He was retrenched from service on 9-6-2007 by complying with the provisions of the Industrial Disputes Act as no vacancy was available at the branch after paying an amount of Rs. 3,654 as retrenchment compensation and an amount of Rs. 2,787 as one month's notice pay. He was not appointed by the management based on any selection process through which only employment in public sector undertakings are usually done. The services of the workman was not required by the management and therefore he was retrenched from service on 11-6-2007. He was allowed to continue to be in service only as per the court order. He was purely a casual worker and his temporary employment was not at all intended to confer any benefit of continuity of employment. The right to claim employment in the bank is as per the terms of the settlements. He was not absorbed in service of the management due to want of vacancy. There is no legal infirmity in the matter of retrenchment and hence the reference to be answered in favour of the management.

6. The workman filed rejoinder denying the contentions raised in the written statement and reaffirming the allegations in the claim statement.

7. Evidence was adduced from both sides and it consists of the depositions of WWI, MWI and Exts. WI to W11 and M1 to M7.

8. The point for determination is :

Whether the action of the management of State Bank of India in retrenching Sri P. M. Haridasan from his services w.e.f. 9-6-2007 is fair and justifiable? If not, to what relief the workman is entitled?".

9. The Point : In order to answer this reference it is only to be considered whether the retrenchment of the workman Sri P. M. Haridasan from service is legally and factually justified and for that purpose it can be confined to the discussion of the facts relevant to decide the validity of the retrenchment even though several other matters are pleaded by both parties which makes it appear that it is a case of regularisation of service of the workman. At the time of argument learned counsel for both sides have also submitted that the validity of the retrenchment alone is to be decided in this reference.

10. The workman was working as temporary Messenger/Peon from 1985 under the management. While so, he was terminated from service on 17-8-1992 for the reason that there was no work for engaging him as a casual

or daily labourer. It has resulted in raising an industrial dispute but no reference was made by the Government on the ground that his name finds a place in the wait list prepared for the purpose of offering permanent appointment in the bank after considering the failure of conciliation report of the Assistant Labour Commissioner (C) Cochin and the same is evidenced by Ext. W1. Hence he had approached the Hon'ble High Court by filing O. P. No. 11704/1994. It was disposed of with a direction to refer the dispute vide judgment dated 20th March, 1995 in that case, copy of which is Ext. W2. After making the reference to the Labour Court, Kozhikode the validity of the termination of service of the workman was considered by that court in I.D. (C) No. 6/1995. After negativing the contentions raised by the management an award was passed directing the management to reinstate him with full back wages and other benefits, copy of which is marked as Ext. W3 in this case. Afterwards there were several rounds of litigations to get the full back wages and while so he rejoined duty after calling upon him to join duty by the management on 19-1-2007. There is nothing on record to show that when he rejoined duty. But there is no dispute as to the fact that he had rejoined duty after 19-1-2007. Later his service was terminated by the management vide order dated 9-6-2007.

11. Ext. W9 is the copy of the notice given to the workman for retrenchment under Section 25-F of the Industrial Disputes Act. The reason stated for termination is non-availability of vacancy of daily wager/messenger. An amount of Rs. 3530 is stated to have been paid as wages in lieu of one month's notice and Rs. 30,654 as retrenchment compensation. It is noted in Ext. W9 that the amount paid as wages includes Rs. 2,787 for one month and Rs. 743 for 8 days in June.

12. It was vehemently argued by the learned counsel for the workman that the retrenchment is not effected by fulfilling the requirements provided under Section 25-F of the Industrial Disputes Act. It was submitted by him that the reason stated for retrenchment that there was no vacancy is proved to be utter falsehood in view of the version given by MW 1 as to the existence of vacancy in the Thaliparamba branch of the management bank. It was also argued by him that there was no payment of one month pay or retrenchment compensation in full since it is not calculated on the basis of wages fixed on pro rata basis as per the direction contained in Ext. W6 judgment. It was further submitted by him that the retrenchment immediately after the issuance of the lawyer's notice dated 18-5-2007, copy of which is Ext. W8, was made so as to wreak vengeance against the workman for advancing his legitimate claims.

13. S. 25-F of the Industrial Disputes Act deals with conditions precedent to retrenchment of workmen. It reads thus:

"25-F. Conditions precedent to retrenchment of workmen.— No workman employed in any industry who

has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay (for every completed year of continuous service) or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government (or such authority as may be specified by the appropriate Government by notification in the Official Gazette)".

14. S. 25-F of the Industrial Disputes Act provides that retrenchment within the meaning of S. 2(oo) of the Act must satisfy the following requirements:

1. That the workman has been given one month's notice :

(a) in writing.

(b) indicating reasons for retrenchment.

2. That the retrenchment must take effect after the expiry of the period of notice i.e. one month or else the workman should be paid in lieu of such notice, wages for the period of the notice.

3. That at the time of retrenchment the worker has been paid compensation equivalent to 15 days average pay for every completed year of continuous service or any part thereof, in excess of 6 months, and

4. That the notice in the prescribed manner is served on the Government or on the specific authority as notified.

15. In the decision reported in *Pramod Jha and - Others v. State of Bihar and Others* (2003) 4 Supreme Court Cases 619 it was held that compliance with clauses (a) and (b) of S. 25-F is mandatory and compliance with clause (c) is directory for which substantial compliance would be enough.

16. Whether the retrenchment is fair and justifiable is to be decided on the basis of the facts and circumstances in each case. Here in this case non-existence of vacancy is stated to be the reason for retrenchment in Ext. W9. In para 5 of the written statement it is stated that the workman was retrenched from service from 9-6-2007 due to non-availability of vacancy at the branch. But in para 8 it is stated that the service of the workman was not required

by the management and thereby he was retrenched from service on 11-06-2007. His termination of service earlier in August 1992 is also stated to be due to non availability of vacancy in para 1 of the written statement. It is after several rounds of litigations he was reinstated in service, after 19-01-2007 as per the direction contained in Ext.W3. He was directed to be reinstated after negativating the contentions put forward by the management that he had not completed 240 days of continuous service within a period of 12 calendar months as provided under Section 25B of the Industrial Disputes Act. In that case also it was contended that he is estopped from challenging the termination of service in view of the settlements entered between the Staff Federation of State Bank of India and the management. That contention was found against the management in that case after assigning valid reasons. In this case also such a contention is raised by the management stating that he was in the wait list prepared by the management for permanent appointment in the bank pursuant to the settlements, copy of which are marked as Exts.M1 to M4. But it has not much relevance in this case since the reference is made only for considering whether the retrenchment is fair and justifiable as pointed out earlier.

17. First of all it is to be considered whether the reason stated in Ext.W9 for retrenchment that there was no existing vacancy is only a ruse for termination of his service. It is not in dispute that he was working as Messenger/Peon in the management bank till 09-06-2007. If he was accommodated till then the management has to explain the reason for the non availability of vacancy. Management has no case that he was terminated from service in order to fill up the vacancy by a permanent employee. There is evidence in this case to prove the existence of vacancy of Messenger/Peon in the management bank. MW1 would expressly admit during her cross examination that there were six posts in the Thaliparamba branch of the management bank and at the time when she joined for duty in that branch on 29-05-2010 there were five messengers and one of them was transferred afterwards. It was also stated by her that there are 350 branches for the management bank in Kerala and there are Messenger/Peon posts in all the branches and there are more than one post in some of the branches. She was not in a position to say how many Messenger/Peon posts are there in the branches of the management bank in Kerala. The workman when examined as WW 1 has also stated about the existence of vacancy at the time of the retrenchment. Even though it is specifically alleged by the workman that there is availability of vacancy of Messenger/Peon at the time of the retrenchment and there is evidence to satisfy the same no attempt was made by the management bank to disprove the same by adducing any convincing evidence. In the absence of any reliable evidence to prove the non existence of vacancy the reason

stated in the notice in Ext.W9 for retrenchment cannot be accepted to make it justifiable especially in view of the evidence as to the existence of vacancies. There is also inconsistency in the case put forward by the management for the reason for termination of his service.

18. At this juncture it is pertinent to note that the sudden provocation for retrenchment appears to be the issuance of Ext.W8 notice dated 18-05-2007 by the workman claiming arrears of wages due to him as per Ext.W7 judgment dated 27-11-2006 providing a pro rata increase in the daily wages of the workman. There is specific allegation in the claim statement that his service was terminated by order dated 09-06-2007 immediately after the receipt of that notice and the same is not denied in the written statement. The averment in the proof affidavit about it also remains unchallenged during the cross examination of WW1. It will also go to show that the retrenchment was made without any justifiable reason immediately on receipt of Ext.W8 notice.

19. As per Ext.W9 the service of the workman was terminated w.e.f. 09-06-2007. The workman has got a case that it was issued to him only on 11-06-2007. There is inconsistency in the pleading as to the date of retrenchment in the written statement. The averment in the proof affidavit of WW1 that Ext.W9 was issued to him only on 11-06-2007 is seen unchallenged during his cross examination. If it was issued to the workman only on 11-06-2007 it is to be proved that he was not engaged for work on 10-06-2007. During the cross-examination of WW1 it appears that there was a suggestion that he was terminated from service on 11-06-2007.

20. There is evidence to prove that the retrenchment compensation was not paid on the basis of eligible wages. The daily wages of the workman was Rs.30 and subsequently after rendering Ext.W7 judgment the wages was fixed at the rate of Rs.92 and 89 paisa. Stating that the calculation of the eligible wages on pro rata basis based on Ext.W7 judgment is not correct Ext.W8 notice was issued by the workman claiming an amount of Rs.52,112 as arrears of wages. The management was not prepared to provide the same. But later a settlement was arrived at before the Assistant Labour Commissioner (Central) on 15-10-2008 by which the management agreed to pay the arrears as claimed by the workman and the same is evidenced by Ext.W-11. The daily wages claimed by him was Rs.167. It is based on the amount fixed by the management @ Rs.92.89, one month's pay and retrenchment compensation was fixed and paid by the management. There is substantial difference in the calculation of one month's pay and retrenchment compensation. Retrenchment compensation is to be paid before or at the time of retrenchment for which also no evidence was adduced in this case. At any rate it can be held that there was no correct calculation as to one month's wages in lieu of notice and retrenchment

compensation on the basis of eligible wages to be paid as per Ext.W7 judgment.

21. From the above discussion it can reasonably held that the retrenchment of the workman is not legally and factually justifiable.

22. Now it is to be considered whether he is to be reinstated or monetary compensation would meet the ends of justice in lieu of reinstatement. Relief of reinstatement should not be automatically given in every case of retrenchment in violation of S.25-F. It is to be considered based on the facts and circumstances in each case. In this case the termination of the service of the workman was not effected for any genuine or valid reason. It appears to be as a retaliatory measure immediately after the receipt of Ext.W8 notice. On a consideration of the facts and circumstances in this case it can be treated as a fit case for reinstatement of the workman with full back wages, continuity of service and other attendant benefits.

In the result an award is passed finding that the action of the management bank in retrenching the workman Shri. P.M.Haridasan from service is not fair and justifiable. The management bank shall reinstate him in service with back wages, continuity of service and other attendant benefits. He is entitled to back wages in accordance with the terms of Ext.W7 judgment.

The award will come into force one month after its publication in the official gazette.

(Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 18th day of August, 2011.)

**D. SREEVALLABHAN, Presiding Officer
APPENDIX**

Witness for the Workman :

WWI - P.M. Haridasan, workman.

Witness for the Management :

MWI- Girija, Manager, State Bank of India, Thaliparamba Branch.

Exhibits for the Workman :

W1 Photocopy of the letter dated 25-02-1994 addressed to Sri.P.M.Haridasan from the Ministry of Labour.

W2 Photocopy of Judgment dated 20-03-1995 in O.P.No.11704/1994-R of the Hon'ble High Court of Kerala.

W3 Photocopy of the Award dated 31-03-1997 in I.D. (C) 6/1995 Labour Court, Kozhikode.

W4 Photocopy of the Order dated 11-05-1998 in C.P. (C) No. 04/98 of Labour Court, Kozhikode.

- W5 Photocopy of the Judgment dated 22-06-1999 in O.P.18328/1998 F of the Hon'ble High Court of Kerala.
- W6 Photocopy of the judgment dated 24-07-2003 in W.A. No.2003 /1999 (A) of the Hon'ble High Court of Kerala.
- W7 Photocopy of the judgment dated 27-11-2006 in W.A. No.448 of 2006 E of the Hon'ble High Court of Kerala.
- W8 Photocopy of the lawyer's notice dated 18-05-2007.
- W9 Photocopy of the termination letter dated 09-06-2007 sent by the Branch Manager, State Bank of India, Thaliparamba Branch to the workman.
- W10 Photocopy of Call Letter for interview dated 03-02-1995 sent by Chief Manager, State Bank of India, Thaliparamba to the workman.
- W11 Photocopy of Memorandum of Settlement dated 15-10-2008 entered between the management and the workman.

Exhibits for the Management :

- M1 Photocopy of the Settlement dated 17-11-1987 entered between the management and All India State Bank of India Staff Federation.
- M2 Photocopy of the Settlement dated 16-07-1988 entered between the management and All India State Bank of India Staff Federation.
- M3 Photocopy of the settlement dated 09-01-1991 entered between the management and All India State Bank of India Staff Federation.
- M4 Photocopy of the conciliation proceedings dated 09-06-1995 entered between the management and All India State Bank of India Staff Federation.
- M5 Photocopy of the judgment dated 13-10-2009 in W.A. No. 1272/2006.
- M6 Photocopy of the Award dated 21-05-2008 in I.D. No. 9/2008 of the CGIT-cum-Labour Court, Ernakulam.
- M7 Photocopy of the Award dated 31-01-2007 in I.D. No.207/2004 of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai.

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2800.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध

में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अमन्त्रालय, चेन्नई के पंचाट (संदर्भ संख्या 10/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/67/2010-आई आर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2800.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 10/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workman, which was received by the Central Government on 1-9-2011.

[No. L-12011/67/2010-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 25th August, 2011

Present: A.N. JANARDANAN, Presiding Officer

INDUSTRIAL DISPUTE No. 10/2011

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Vijaya Bank and their Workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
Vijaya Bank Workers Organization
60/2, Big Street, Triplicane
Chennai-600005

Vs.

The Regional Manager : 2nd Party/Management
Vijaya Bank, Regional Office
123, Marshalls Road, Egmore
Chennai-600008

Appearance :

For the 1st Party/
Petitioner Union : Sri S.D. Srinivasan, Authorized
Representative
For the 2nd Party/
Management : Miss M.S. Annapoorna,
Authorized Representative

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12011/67/2010-IR(B-II) dated 4-01-2011

referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of Vijaya Bank in denying the payment of family pension accrued on account of the Voluntary Retirement of Late Sri C. Raju, an ex-sub-staff to his wife Smt. R. Suseela, Sub-Staff of Pollachi Branch is legal and justified? What relief she is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 10/2011 and issued notices to both sides. Both sides entered appearance through their Authorized Representatives and filed their Claim, Counter and Rejoinder Statements as the case may be.

3. The averments in the Claim Statement briefly read as follows:

Smt. R. Susheela, spouse of Late Sri C. Raju, an employee who worked at Ooty Branch joined the services of the Respondent/Bank as a Sub-Staff on 12-09-1989 whose services were confirmed on 12-04-1990. Her appointment was on compassionate grounds on the ground of her husband having voluntarily retired on health grounds as per the scheme of the Bank communicated through Circular No. 88/88 dated 30-04-1988. Sri C. Raju had joined the service on 01-08-1974 and his services were confirmed on 01-12-1975. Sri C. Raju while was bringing a motorcycle from Ooty Railway Station while under employment fell down as a result of which eventually he suffered from paralysis and immobility after prolonged treatment on medical leave. He being permanently incapacitated from doing work himself and his wife Smt. R. Susheela sent many a representation separately to the Bank for at least a temporary job to her to tide over the domestic emergency. There was also an alternative request for appointment of his spouse in lieu of his job. On 30-04-1988 Circular No. 88/88 communicating VRS Scheme for appointment of the dependent employees who become physically disabled and retire on medical grounds was issued. The request of C. Raju was accepted by the Bank and Raju was relieved on 02-09-1989. Smt. R. Susheela was appointed as per order dated 12-09-1989 as Peon. Raju died on 02-07-1992. A Bipartite Settlement was signed on 29-10-1993 for Introduction of pension scheme for bank employees which was formulated w.e.f. 29-09-1995. Regulation No. 3(7) of Vijaya Bank (Employees) Pension Regulations, 1995 made the Pension Scheme applicable to employees in service of the bank any time on or after 01-01-1986 and died while in service on or before 31-10-1993 or had retired on or before 31-10-1993 but died before the notified date, in which case their family shall be entitled to Family Pension as the case may be. Despite several representations the Family Pension is denied to Smt. R. Susheela. The

contention of the bank is that her husband had resigned and she is not eligible for Family Pension. Hence the ID was raised which is referred for adjudication. It is not true that C. Raju resigned from service. The appointment to R. Susheela was as spouse of Sri Raju and was in lieu of his job. As per the scheme of the Bank C. Raju had given up his employment and in lieu of the same his wife was appointed on compassionate grounds. The scheme provides for retirement on physical disability and not resignation. The baseless argument of the bank is to cover its own lapse in not informing Smt. R. Susheela about her eligibility for Family Pension. Hence the claim.

4. The Counter Statement contentions in brief are as follows:

The claim suffers from error of legal approach and material and legal infirmity and is to be rejected at the threshold. The claimant is estopped by contract and conduct to sustain the petition. As per letter dated 31-05-1988 claimants husband Raju expressed his desire to voluntarily resign from the job and submitted resignation letter out of free will and volition on 25-03-1989. Accepting the same C. Raju was relieved. Consequently, Smt. R. Susheela was appointed on 12-09-1989 which is not on compassionate ground about which there is no whisper in the appointment letter dated 12-09-1989. Her request dated 22-06-1996 for Family Pension was negated on 11-09-1996 since she was not eligible. Family of the deceased employee falling under the eligibility category if desirous to opt for the Pension Scheme has to exercise the option to join the Pension Scheme within 120 days from the notified date and refund the Provident Fund Contribution paid by the employer with interest @ 6% per annum within the expiry of 60 days from the expiry of the said 120 days for coverage under Family Pension Scheme w.e.f. 29-01-1995. The claimant failed and neglected to opt for the Pension Scheme as per the conditions and is therefore ineligible for Family Pension and the same was justly negated. She also failed to refund Employer's Contribution of the Provident Fund within the time. Bank cannot be partial and show any undue favour to her. Having failed to contribute to the corpus of the Family Pension Fund she has no locus-standi to claim Family Pension. Her employment is not on compassionate ground. The claim is contrary to law and facts. The same is to be dismissed with exemplary costs.

5. Rejoinder Statement averments in a nutshell are as follows:

The various letters issued by the Bank sufficiently prove that her appointment was on compassionate grounds. That it was not so as stated by the bank is false. Sri C. Raju only got voluntarily retired from service on total physical disability as per Bank's Circular No. 88/88. The Bank in none of its letters addressed to Susheela had stated that she failed to opt for Pension. Bank did not inform her in 1995 or later that she would be eligible for

payment of Family Pension on repayment of PF Contribution of Late Sri C. Raju with interest. Bank cannot take up such a position now. The contentions of the bank are far from truth.

6. The evidence consists of Ex. W1 to Ex. W23 on the petitioner's side with no oral or documentary evidence on the Respondent' side.

7. Points for consideration are:

- Whether the denial of Family Pension to Smt. R. Susheela is legal and justified?
- To what relief the petitioner is entitled?

Points (i) & (ii)

8. Heard both sides. Perused the documents, records and written arguments on behalf of the petitioner. Both sides keenly argued in support of their respective contentions. The question regarding the eligibility for Family Pension by Susheela on behalf of her deceased husband C. Raju centers around as to whether Raju voluntarily resigned from service or is it an instance of voluntary retirement. Specific case of the petitioner is that C. Raju retired from service only voluntarily and it is not a case of voluntary resignation. It is on compassionate ground that Smt. R. Susheela was appointed as spouse of Sri Raju and in lieu of his job. As per the VR Scheme of the Bank introduced as per Circular no. 88/88 dated 30-04-1988 Raju gave up his employment and his wife was appointed on compassionate ground. The scheme provides for retirement on physical disability. The case of the petitioner is diametrically opposed by the Respondent according to which, the claim is estopped by contract and conduct to sustain it. As per his letter dated 31-05-1988 Raju expressed his desire to voluntarily resign and he submitted resignation letter out of his free will and volition on 25-03-1989 accepting which Raju was relieved and Smt. R. Susheela was thereafter appointed, which is not on compassionate grounds, without any whisper to that effect in the appointment letter. Now the crucial question is whether C. Raju voluntarily resigned from service or was it a case of voluntarily retirement as per the VR Scheme. It is worthy to note that there have been letters of request for providing a temporary appointment to Smt. R. Susheela, W/o C. Raju who became incapacitated to work due to the Motor Vehicle Accident in which he was involved in connection with his official duty. Ex. W2 and Ex. W3 evidence such request. Ex. W3 makes it clear the willingness of the husband of R. Susheela, Sri C. Raju to voluntarily resign in order to provide a job to his wife R. Susheela in his place by the bank. The letter is dated 20-06-1987. It was while so that Ex. W4 Circular 88/88 dated 30-04-1988 was floated under which benefit of compassionate appointment was extended to dependents of bank employees who have become physically disabled to do the work on conditions. As per Ex.W6 letter dated 31-05-1988 C. Raju is seen to have clung to provide a job to his wife offering himself to resign from his job in order to provide suitable job to his wife Susheela in his place.

This request arose as manifested in his application, for the reason of saving his wife and children from starving since due to his incapacity to work he has been left without any income. The request of Sri C. Raju is seen treated by the Respondent/Management as one for voluntary retirement as is evident from Ex.W7 letter dated 11-06-1988 sent from the Zonal Office, Madras to the AGM, HRD, Head Office at Bangalore whereby Susheela, W/o Raju is recommended for appointment in the bank on compassionate ground only. As per the scheme Sri Raju has been subjected to medical check-up through the District Medical Officer by the Respondent/Bank Management as per Ex.W8 letter dated 20-01-1989 in compliance of a condition in the scheme in regard thereto. As per Ex.W9 letter dated 1-02-1989 the Medical Certificate obtained has been forwarded to the AGM, Madras. As per Ex.W12 letter dated 7-07-1989 from the Respondent/Bank C. Raju has been asked to confirm his stand for voluntary retirement in terms of Circular No. 88/88. As per Ex.W15 letter dated 19-08-1989 of the Bank the acceptance of resignation from service of C. Raju is seen accepted with further undertaking to appoint his wife Smt. R. Susheela on compassionate ground and also regarding settlement of Raju's service benefits. As per Ex.W16 letter dated 2-09-1989 C. Raju is relieved from the bank service wherein Raju has been saluted with wishes for a happy contended retired life. Ex.W17 is the appointment letter to Smt. Susheela which does not make any whisper regarding the nature of appointment as one under compassionate grounds. From the cumulative effect and totality of the circumstances it could be seen that the cessation of service of Raju from the Bank is actually an instance of voluntary retirement and not voluntary resignation though in most of his letters of request for providing appointment to his wife in lieu of his job the request has been couched with the expression "voluntary resignation" of himself to provide a suitable job to his wife to tide over his hard hit financial stringency at home. As is seen from the various letters of the Respondent except Ex.W15. It could be seen that the Management treated every request of Raju only as request for voluntary retirement and not as voluntary resignation though in each letter C. Raju stated only as resignation. That C. Raju who was relieved from the service accepting his resignation was actually on voluntary retirement is further made clear from the fact that as evidenced by Ex.W16. While Raju was being allowed to vacate the office he was being only allowed to retire voluntarily from service. If it had not been so he would not have been wished a "Happy Retired Life". The further fact that in the absence of any provision to allow an employee to voluntarily resign allowing his spouse to be provided with a job in his place the arrangement of allowing Raju to vacate his office to provide employment to his wife could work only in terms of the scheme of VRS introduced through Circular dated 30-04-1988 and not in any manner otherwise. The further fact that at the age of 40 years Smt. R. Susheela could not have been appointed as an open candidate and otherwise than under the scheme also shows that her appointment is only under

compassionate scheme after her husband ceasing to be in service on VR Scheme. All these are materials pointing only in favour of the petitioner's claim and against the case of Respondent. Therefore, there need not be any hesitation to hold that C. Raju only retired under VR Scheme and Smt. R. Susheela was only appointed on compassionate grounds. The conditions for eligibility of Family Pension being satisfied, Smt. R. Susheela is therefore entitled to Family Pension on behalf of her deceased husband C. Raju. Since Smt. R. Susheela has not been able to opt for the Pension Scheme, after refunding the PF contribution with interest to the Management in time, the same has to be rectified and the benefits have to be restored to her by permitting her to opt for the Family Pension Scheme after allowing her to make refund of the PF contribution made by the Management on behalf of C. Raju together with the usual interest. It is ordered accordingly. This would not amount to any favour shown to her as alleged by respondent. There is no estoppels by contract or conduct on the part of R. Susheela or her husband. That C. Raju may have expressed himself couching resignation in the place of VRS, in an inadvertent mood, at a time when he had been in panic of his sufferings in the wake of his prolonged disease due to the motor vehicle accident shall not be a ground to hold that he thought short of a benefit which by then came to be introduced by the VR Scheme under Circular No. 88/88. The petitioner is entitled to a relief in the above terms. The Respondent is directed to comply with the direction immediately.

9. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th August, 2011)

A.N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : None

For the 2nd Party/Management. : None

Documents Marked :

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	24-02-1986	Letter No. 874:86 of Ooty Branch of Bank to the Divisional Office, Chennai
Ex.W2	20-02-1987	Letter of Smt. Suseela, W/o Sri C. Raju to the Chairman and Managing Director (CMD) of the Respondent/Bank
Ex.W3	20-06-1987	Letter of Sri C. Raju to the CMD of the Respondent/Bank
Ex.W4	30-04-1988	Circular No. 88/88 of the Respondent/Bank

Ex.W5	30-04-1988	Letter of C. Raju to the CMD of the Respondent/Bank	Ex.W21	25-01-1999	Letter No. PER:PLNS:KSK:81:99 of Personnel Department of Respondent/Bank
Ex.W6	31-05-1988	Letter of C. Raju to the CMD of the Respondent/Bank	Ex.W22	14-10-1995	Respondent/Bank's Circular No. 197/95 of Pension Regulations
Ex.W7	11-06-1988	Letter No. MDZ:STF:PPS:6857:88 of the Zonal Office of the Respondent/Bank to Head Office of the Respondent/Bank	Ex.W23	27-04-2010	Memorandum of Settlement on Pension signed at the industry level
Ex.W8	20-01-1989	Letter No. OR:LD:89 of Ooty Branch of the Respondent/Bank to the District Medical Officer	On the Management's side		
Ex.W9	1-2-1989	Letter of Ooty Branch of the Respondent/Bank to the Zonal Office regarding appointment of dependent of C. Raju on compassionate grounds alongwith medical documents.	Ex.No.	Date	Description
Ex.W10	4-2-1989	Letter No. MDZ:STF:AA:1419:89 of Zonal Office Chennai of Respondent/Bank to Head Office regarding appointment of dependent of C. Raju on compassionate grounds		Nil	नई दिल्ली, 9 सितम्बर, 2011
Ex.W11	25-3-1989	Letter of C. Raju to the CMD of the Bank in terms of Respondent/Bank's circular No. 88/88 dated 30-04-1988			का.आ. 2801.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के लिये, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 17/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।
Ex.W12	7-07-1989	Letter No. PER:IRS:1492:89 of Personnel Department of Respondent/Bank addressed to Sri C. Raju regarding voluntary retirement			[सं. ऐल-12012/28/2010 आईआर (बी-II)]
Ex.W13	7-07-1989	Tamil translation of letter No. PER:IRS:1492:89 With consent of Sri C. Raju			RAMESH SINGH, Desk Officer
Ex.W14	7-07-1989	Letter No. PER:IRS:1493:89 of Head Office of Respondent/Bank addressed to Ooty Branch regarding voluntary retirement of C. Raju			New Delhi, the 9th September, 2011
Ex.W15	19-8-1989	Letter No. PER:a:msm:5117:89:ef: 4301 of Personnel Department of Respondent/Bank to Ooty Branch			S.O. 2801.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 1-9-2011.
Ex.W16	2-09-1989	Relieving Order of C. Raju issued by Ooty Branch			[No. I.-12012 28/2010-IR (B-II)]
Ex.W17	12-9-1989	Appointment Order No. PER:A:309:89 of Smt. Suseela			RAMESH SINGH, Desk Officer
Ex.W18		Death report of Sri C. Raju.			ANNEXURE
Ex.W19	11-09-1996	Letter No. CKS:1279:96 of Personnel Department of Respondent/Bank to Smt. R. Suseela			BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI
Ex.W20	2-11-1998	Letter No. PER:PENS:CKS:1013:98 of Personnel Department of Respondent/Bank			Wednesday, the 24th August, 2011
					Present: A.N. JANARDANAN, Presiding Officer
					INDUSTRIAL DISPUTE No. 17/2010
					(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Bank of India and their Workmen)
					BETWEEN
					Sri R. Mohan : 1st Party Petitioner

v₁

**The Zonal Manager
Bank of India, Zonal Office, Broadway
Chennai-600108 2nd Party/Management**

Appearance :

**For the 1st Party/Petitioner : Sri S. Vaidyanathan,
Advocate**

**For the 2nd Party/Management : M/s. T.S. Gopalan & Co.,
Advocates**

AWARD

The Central Government, Ministry of Labour vide its Order No. L-12012/28/2010-IR (B. II) dated 23-4-2010 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

"Whether the action of the management of Bank of India in Compulsorily Retiring Sri R. Mohan the workman vide order dated 16-9-2005 is legal and justified? What relief the concerned workman is entitled to?"

2. After the receipt of Industrial Dispute, this Tribunal has numbered it as 17/2010 and issued notices to both sides. Both sides entered appearance through their respective counsel and filed their Claim and Counter Statement as the case may be.

3. The averments in the Claim Statement briefly read as follows :

The petitioner, a Messenger in B. Odaiyur Branch under the Respondent/Bank who had entered service as Sweeper in 1984 and got designated as Messenger on completion of 5 years of satisfactory service was charged on 21-9-2004 for unauthorized absence without leave for 117 days from October 2002 till August 2004 under Para 7(a) of Settlement dated 10-4-2002. For the first Charge Sheet dated 21-09-2004 he was censured without an enquiry. For the second Charge Sheet for unauthorized absence for 121 days from August 2004 to December 2004 enquiry was conducted and the petitioner explained the critical position of his mother suffering from cardiac problem and asthma of his wife in which he was brought down by two stages in the scale of pay. In the third Charge Sheet for unauthorized absence for 133 days from 3-3-2005 to 13-7-2005 enquiry was held, he was punished with Compulsory Retirement with superannuation benefits which was confirmed by the Disciplinary Authority and the Appellate Authority. The enquiry is farce. The punishment of censure being without enquiry cannot be reckoned as previous misconduct. There is a recent settlement extending pensionary benefits to Provident Fund optees. The petitioner has also sent a letter dated

19-6-2010 for the pensionary benefits without prejudice to his disputes which if allowed can be adjusted from back wages. Capital punishment is not warranted and the same is to be interfered with under Section-11A of the I.D. Act. He is without employment. His last drawn salary was Rs. 11,000 per month. He was unable to maintain three establishments, his mother and wife being at Chennai and Children being at Kerala and he being at B.Odaiyur. He is to be reinstated with all benefits.

4. Counter Statement averments briefly read as follows:

B. Odaiyur Branch is a small branch with one Manager, one Officer, two Clerks and one Sepoy and one Part-Time Safai Karamchari (PTSK). Continued absence for a long period by Sepoy would seriously cause dislocation of work. Only in a case of an employee irregular in attendance with no chance of mending punishment of cessation of employment is awarded. He affirmed the charges during enquiry though pleaded family circumstances as the cause for absence. He has already received PF and Gratuity dues. After more than 3 years the ID is raised and there is the flaw of delay and latches. He is not entitled to pension since extension of pensionary benefits is not meant for those compulsorily retired. The claim is to be dismissed.

5. Points for consideration are :

- (i) Whether the Compulsory Retirement imposed on the workman is legal and justified?

- (ii) To what relief the concerned workman is entitled?

6. The evidence consist of Ex. W1 to Ex. W24 on the petitioner's side marked on consent and Ex. M1 to Ex. M26 on the Respondent's side

Points (I) and (II)

7. Heard both sides. Perused the records and documents. Both sides argued in terms of their respective pleadings. The learned counsel for the petitioner relied on the decision of the Supreme Court in Chairman-cum-Managing Director, Coal India Ltd. and Another Vs. Mukul Kumar Choudhury (2009-15-SCC-620) wherein the Apex Court held that a reasonable employer is expected to take into consideration measure, magnitude and degree of misconduct and all other relevant circumstances and exclude irrelevant matters, before imposing punishment. In a case like the present one where the misconduct of the delinquent was unauthorized absence from duty for 6 months, but upon being charged of such misconduct, he fairly admitted his guilt and explained the reason for his absence but the reason was purely personal and beyond his control the order of removal cannot be held to be justified since no reasonable employer would have imposed extreme punishment of removal in like circumstances. The punishment is not only unduly harsh but grossly in excess to the allegations.

8. In the decision of the Apex Court in REGIONAL MANAGER, BANK OF BARODA VS. ANITA NANDRA JOG (MANU-SC-1587-2009) relied on behalf of the Respondent it was held that the behaviour of the Respondent remaining absent without leave for such long periods was clearly regrettable and unfortunate. No establishment can function if it allows its employees to behave in such a manner. We therefore uphold the order of the appellant bank terminating the services of the Respondent as a voluntary cessation of her job.

9. On an anxious consideration of the above rulings with reference to the rival contentions I am justified in holding that this is a case where the workman has been meted out with a punishment which is grossly disproportionate to the gravity of the offence. Here is a petitioner who entered service as a Sweeper and who got his designation changed as Messenger admittedly by reason of his satisfactory service rendered. It is brought home that the petitioner has had some family constraints due to his mother and wife being sick requiring his personal attention to procure for them necessary medical treatment and also had to attend on his children away in Kerala. He has been consistently representing them before the authorities in his explanation admitting his unauthorized absence during various spells without leave and that alone with no other misconduct from his part which has been driving him to resort to such a misconduct. Though the conduct of the petitioner cannot bear endurance from the part of the Management especially at B. Odaiyur Branch with skeleton staff only the such facts have not been sufficient to warrant his termination from service which is a capital punishment resulting in his economic death. The view by the Management that there is no need for placing sympathy on him on the inference that if he has not been financially sound he would not have resorted to this practice of habitual absenteeism during various spells does not seem sound for the reason that despite the economically hard hit situation if one has to be after his dear and near ones to attend on them in the casualties with supervening diseases requiring hospitalization and treatment he may not be in a position to leave those aside and elect to himself to attend to his duty disregarding the dire needs of his dear and near relations. The inference drawn by the Respondent as is clear from the Counter Statement that petitioner may not have been economically hard hit to deserve some leniency in the matter of punishment is therefore not proper. Inferences drawn based on hypothesis should be in such a manner that the circumstances should be such that the same exclude every hypothesis other than the one to be proved. For this reason as well the inference drawn by the Respondent is not proper to impose upon him the impugned punishment of Compulsory Retirement. It is especially significant to note that the hardship experienced at the B. Odaiyur Branch in regard to business activity may not have been so acutely

experienced in any other Branch where the staff position is still better than that at the B. Odaiyur Branch. The fact that it is his satisfactory service that enabled him to procure his change of designation from Sweeper to Messenger during the first 5 years of service shows that the petitioner has not been an incumbent prone to any indiscipline or misconduct and that only due to compelling or unavoidable circumstances that he was tempted to be habitually absent without leave during certain spells of period immediately prior to his termination from service. The decisions relied on his behalf by his learned council appear applicable to the case of the petitioner. Therefore the punishment imposed on the petitioner is grossly disproportionate to the gravity of the offence. He could have been visited with lesser punishment to meet the ends of justice. Therefore the punishment is set aside and he is ordered to be reinstated with continuity of service and all attendance benefits with 25% back wages. Let the 75% of back wages be the punishment for his misconduct by way of forfeiture. The superannuation benefits already disbursed to him shall be adjusted suitably in accordance with the rules.

10. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th August, 2011).

A.N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : None

For the 2nd Party/Management : None

Documents Marked :

On the Petitioner's side

Ex. No.	Date	Description
Ex.W1	17-12-1984	Appointment Order
Ex.W2	23-6-1989	Petitioner's representation to the Respondent/Bank
Ex.W3	12-1-2004	Inter Office Memorandum
Ex.W4	13-7-2004	Letter from the Chief Manager of the Respondent/Bank to the Manager, B. Odaiyur Branch
Ex.W5	21-9-2004	Show Cause Notice
Ex.W6	5-10-2004	Show Cause Notice issued to the petitioner
Ex.W7	16-10-2004	Letter from the Respondent/Bank to the petitioner
Ex.W8	26-10-2004	Covering letter from the Respondent Bank to the petitioner enclosing the punishment order
Ex.W9	28-10-2004	Letter from the Respondent Bank to the petitioner

Ex.W10 24-11-2004	Letter from the Respondent Bank to the petitioner	Ex.M10 17-08-2005	Letter from Enquiry Officer - and Findings of Enquiry Officer (in reference to Charge Sheet dated 14-07-2005).
Ex.W11 12-02-2005	Enquiry Proceedings		
Ex.W12 25-02-2005	Enquiry Report	Ex.M11 16-09-2005	Order of Punishment - Compulsory Retirement with Superannuation benefits (in reference to Charge Sheet dated 14-07-2005).
Ex.W13 23-03-2005	Show Cause Notice proposing punishment		
Ex.W14 29-03-2005	Minutes of personal hearing	Ex.M12 22-06-2009	Petition filed by petitioner before Regional Labour Commissioner (Central), Chennai.
Ex.W15 31-03-2005	Punishment order with covering letter dated 07-04-2005		
Ex.W16 08-04-2005	Show Cause Notice	Ex.M13 08-08-2009	Reply of Respondent to Assistant Commissioner of Labour (Central), Chennai.
Ex.W17 27-04-2005	Letter from the Respondent bank to the petitioner		
Ex.W18 20-05-2005	Letter from the Respondent/Bank to the petitioner	Ex.M14 13-08-2008 (Sic) 13-08-2009	Letter from petitioner to Assistant Labour Commissioner (Central), Chennai.
Ex.W19 14-07-2005	Intimation of departmental enquiry enclosing the Charge Sheet	Ex.M15 11-08-2009	Memo in respect of Settlement of Provident Fund and Gratuity to Petitioner.
Ex.W20 14-07-2005	Enquiry Proceedings		
Ex.W21 31-08-2005	Show Cause Notice - Proposed punishment	Ex.M16 14-08-2009	Letter from Respondent to Assistant Commissioner of Labour (Central), Chennai.
Ex.W22 16-09-2005	Punishment order		
Ex.W23 25-10-2005	Appeal to the Appellate Authority	Ex.M17 16-03-2010	Conciliation failure report.
Ex.W24 12-01-2006	Appellate Order	Ex.M18 04-12-1997	Show Cause Notice to Petitioner - regarding absence from 14-09-1997 to 27-09-1997 and 03-10-1997 to 06-10-1997.
On the Management's side :		Ex.M19 03-01-1998	Order of punishment - (reference to Show Cause Notice dated 04-12-1997) - Warning.
Ex.M1 20-10-2004	Punishment - Order issued to Petitioner by Respondent - Censure — In reference to Show Cause Notice dated 21-09-2004 (For absence between 1st October, 2002 and 03-08-2004 - 117 days).	Ex.M20 13-11-2002	Letter to Petitioner - Absence since 11-09-2002 continuously for 64 days.
Ex.M2 10-09-2004	Message - copy - regarding absence from 16-08-2004 and advising to report for duty immediately.	Ex.M21 March 2005	Attendance Register of Bank's B-Odaiyur Branch (Ex.ME-1-in Domestic Enquiry).
Ex.M3 17-01-2005	Charge Sheet issued to Petitioner - absence between 16-08-2004 and 14-12-2004 (121 days).	Ex.M22 April 2005	Attendance Register of Bank's B-Odaiyur Branch (Ex.ME-2-in Domestic Enquiry).
Ex.M4 17-01-2005	Orders appointing Presenting Office & Enquiry Officer and Notice of Enquiry.	Ex.M23 May 2005	Attendance Register of Bank's B-Odaiyur Branch (Ex.ME-5-in Domestic Enquiry).
Ex.M5 23-03-2005	Show Cause Notice proposing punishment.	Ex.M24 June 2005	Attendance Register of Bank's B-Odaiyur Branch (Ex.ME4-in Domestic Enquiry).
Ex.M6 29-03-2005	Reply of petitioner for the Show Cause Notice dated 23-03-2005.	Ex.M25 July 2005	Attendance Register of Bank's B-Odaiyur Branch (Ex. ME-51-in Domestic Enquiry).
Ex.M7 29-03-2005	Minutes of Personal Hearing.	Ex.M26 August 2005	Attendance Register of Bank's Odaiyur Branch.
Ex.M8 31-03-2005	Punishment Order - (In reference to Charge Sheet dated 17-01-2005).		
Ex.M9 14-07-2005	Charge Sheet - Regarding unauthorized absence between 03-03-2005 and 13-07-2005 (133 days) (ZA-DA-SS-204-140).		

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2802.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैक ऑफ महाराष्ट्र के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम व्यायालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/199/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/47/2000-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2802.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/199/2000) of the Central Government Industrial Tribunal/Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 1-9-2011.

[No. L-12011/47/2000-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/199/2000

Date: 17-8-2011

Party No. 1 : The Regional Manager,
Bank of Maharashtra, Amravati,
Siddhivinayak, Deshmukh Building,
Opp: Atual Mangal Karyalaya,
Lahanji Nagar, Amravati
(M.S.) 444 606

Versus

Party No. 2 : Union of the Maharashtra Bank Emps.,
The General Secretary,
Union of the Maharashtra Bank
Employees, 542, Dr. Munje Marg,
Congress Nagar, Nagpur. 440 012

AWARD

(Dated: 17th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the

management of Bank of Maharashtra and their workman; Shri A.P. Bobde, for adjudication, as per letter No.L-12011/47/2000-IR (B-II) dated 16-6-2000, with the following schedule:-

"Whether, the action of the management of Bank of Maharashtra through its Regional Manager, Amravati Region, Amravati in awarding punishment of withdrawal of cash allowances and stoppage of 1(one) increment of Shri A.P. Bobde, Gadgenagar Branch Amravati, is legal and justified ? If not, to what relief is the said workman entitled?"

2. On receipt of the reference, notices were sent to the parties to file their respective statement of claim and written statement, in response to which, the union of the Maharashtra Bank Employees, ("the union" in short) filed the statement of claim on behalf of Shri A.P. Bobde, ("the workman" in short) and the management of the Bank of Maharashtra, ("the party no. 1" in short) filed the written statement.

3. The case of the workman as projected by the union is that while the workman was working as the Chief Cashier of Jawahar Road Amravati branch of Bank of Maharashtra, there was shortage of Rs. 50,000 in the remittance received by Loini Branch from Jawahar Road Amravati Branch on 22-6-95 and in fact, the Cashier of Loini Branch took the correct currency notes from the workman and after reaching Loini Branch, and lapse of so many hours declared shortage of the cash and after leaving the counter at Jawahar Road Amravati Branch, the entire cash was in the custody of Cashier of Loini Branch and the keys and boxes were only with him and the workman was having no control over the movement of the cash as well as custody of the cash in the remittance and there was no negligence on the part of the workman but the workman came to be charge sheeted dated 11-12-1995, for the alleged negligence and a departmental enquiry came to be ordered and the enquiry officer submitted his findings dated 4-6-1997, declaring both the charges to have been proved and the Disciplinary Authority vide its order dated 18-6-1996, awarded punishment of withdrawal of allowance and stoppage of one increment and the appeal preferred by the workman came to be rejected by the Appellate Authority, without giving personal hearing to the workman. It is further pleaded by the union that the charges were baseless and unjust and the findings of the enquiry officer are perverse and the enquiry officer did not consider the evidence produce by the defence and undue favouritism was given to the so called evidence of the management and the findings of the enquiry officer are neither supported by any evidence nor just and fair to reasoning and the findings have been given in the most mechanical manner and principles of natural justice have been breached by the authorities, while dealing with the case and the workman was absolutely innocent and was victimized by the management due to his involvement in union's work

as an office bearer of the union and as the impugned order is unjust and illegal, the same is liable to be set aside.

Prayer has been made to set aside the order dated 18-6-1996 and to give all consequential benefits and privileges to the workman, which he has been denied due to inception of the said order.

4. The party no. 1 in its written statement has pleaded inter-alia that disciplinary action was initiated against the workman for his alleged involvement in cash shortage, while working as cashier at Gadgenagar Branch and a charge sheet under clauses 19.5(J) and 19.7(C) of the Bi-partite Settlement for committing gross negligence involving the bank in serious losses and negligence in performing Banks duties respectively and an departmental enquiry was conducted to make enquiry and the enquiry officer submitted his report on 4-6-1996, the copy of which was given to the workman and a hearing on the proposed punishment was also granted on 13-1-1998 and after taking into consideration the submission of workman and the findings of the enquiry officer, the Disciplinary Authority imposed the punishment of withdrawal of cash allowance permanently and stoppage of one increment for a period of six months and the workman filed an appeal and the Appellate Authority vide order dated 10-3-1999 rejected the appeal and confirmed the punishment imposed by the Disciplinary Authority and there is no provision of granting personal hearing in the appeal as per Bi-partite Settlement governing the service conditions of the Bank employees and as such, no personal hearing was given to the workman before disposing of the appeal and the findings of the enquiry officer are not perverse and after taking the entire evidence into consideration, the enquiry officer gave his finding and the findings are supported by evidence and just reasoning and the principles of natural justice was fully complied with in the entire process of the disciplinary action and it is false to say that the workman was victimized by the Bank, due to his union activities as an officer bearer of the union and the punishment imposed against the workman is just and proper and the workman is not entitled to any relief.

5. It is necessary to mention here that though this is not a case of dismissal, termination or discharge from services of the workman, initially challenge was made regarding the validity of the departmental enquiry held against the workman, by the advocate for the workman. However, on 24-3-2011, advocate for the workman filed a pursis intimating that the workman doesn't want press the issue of the invalidity of the departmental enquiry and in view of the pursis and the materials on record, it was held that the departmental enquiry was proper and legal and by following the principles of natural justice, as per orders dated 24-3-2011 itself.

6. At the time of the argument, it was submitted that in this case, the dispute pertains to remittance received by

Loini Branch from Jawahar Road Branch, Amravati and there was shortage of Rs. 50,000 in the remittance received by the Loini Branch and the workman acted as per the directions of the superiors and handed over the cash of Rs. 5,00,000 to the cashier of Loini Branch, but subsequently, the cashier of Loini Branch disputed about the amount and gave out regarding shortage of Rs. 50,000 and in fact, the total amount of remittance was handed over to the cashier of Loini Branch by the workman and cashier of Loini Branch left the Jawahar Road Branch with the cash after acknowledging the receipt of the full amount and the documents on record are quite clear on this point and the management under the threat of police complaint recovered the loss of Rs. 50,000 from four persons including the workman and therefore, no loss was caused to the Bank and the findings of the enquiry officer are not based on evidence and the cashier of Loini Branch, who reported about the shortage of the cash was not examined in the enquiry and the findings are totally perverse and the enquiry officer failed to evaluate the evidence on record and as the enquiry officer was biased against the workman, he did not take into account the defence evidence and the bank failed to prove the charges and the charges framed are not supported by any evidence and the charge was not specific and was totally vague and the action of awarding punishment is not proper.

7. It was submitted by the management that the workman did not mention the denomination of the notes in the cashier's payment scroll on 22-6-1995 and 23-6-1995, even though as per the procedure for any transaction the denomination of notes have to be recorded in the scroll or in the reverse of the voucher, tally the cash and checking of the denomination of notes, they were not matching with the one as recorded by the workman and there was negligence in performance of duties by the workman, which had resulted in loss to the Bank and the workman had accepted that he had not recorded the transaction of exchange in the payment scroll and the findings of the enquiry officer are not perverse and there is no question of giving undue favouritism to the evidence of the management and the findings of the enquiry officer are based on the evidence on record.

8. Perused the record along with the documents of the enquiry proceedings. Taking into consideration the materials on record and the submission made by the learned advocates for the parties, it is found that the findings of the enquiry officer are based on the evidence produced before him during the enquiry. The enquiry officer has taken into consideration the evidence adduced by the management and so also by the workman in his defence. He has analysed the evidence in a rational manner without any bias and has rightly come to the conclusion that the charges have been proved against the workman. The workman has admitted about his negligence in performing his duty in writing. It is also found that the

workman and three others who were responsible for the causing the loss of 50,000 to the Bank had made good the loss by depositing Rs. 12,500 each. However, even though the amount of Rs. 50,000 was recovered from the workman and three others, it cannot be said that there was no loss to the bank. It is also found that the cashier of the Loini Branch raised the question of shortage of cash of 50,000 in the remittance at Jawahar Road Branch, of Amravati, before the transaction was completed and not after leaving the said branch. Hence, it is found that there is no force in the contentions raised by the workman. It is also found that the findings of the enquiry officer are not perverse.

The workman in the statement of claim has not challenged that the punishment imposed against him is shockingly disproportionate. However, taking into the consideration the materials on record and that the misconduct committed by the workman which has been proved in a valid departmental enquiry, it is found that the punishment is not shockingly disproportionate. Hence, there is no scope to interfere with the punishment imposed against the workman. Therefore, it is ordered:

ORDER

The action of the management of Bank of Maharashtra through its Regional Manager, Amravati Region, Amravati in awarding punishment of withdrawal of cash allowances and stoppage of 1(one) increment of Shri A.P. Bobde, Gadgenagar Branch Amravati, is legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2803.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट के प्रबंधन के सबदू नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पांचाट (संदर्भ संख्या 48/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[स. एल-34011/7/2006-आईआर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2803.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 48/2007) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Visakhapatnam Port Trust and their workman, which was received by the Central Government on 1-9-2011.

[No. L-34011/7/2006-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 21st day of July, 2011

Industrial Dispute No. 48/2007

Between :

The General Secretary,
Janata Port & Dock Employees Union,
D.No.21-30-18, Punja Junction,
Chengalarao Peta,
Visakhapatnam - 530001.

...Petitioner

AND

The Chairman,
Visakhapatnam Port Trust,
Port Area, Visakhapatnam - 530035.

...Respondent

Appearances :

For the Petitioner : Sri A. Madhusudhana Rao,
Representative

For the Respondent : M/s. Alluri Krishnam Raju,
G. Dinesh Kumar & N. Santhosh
Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/7/2006-IR(B.II) dated 24-9-2007 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Visakhapatnam Port Trust and their workman. The reference is,

SCHEDULE

"Whether the demand of the Janata Port & Dock Employees Union, Visakhapatnam for regularization of services of S/Shri Karajada Adinarayana, Mate and 18 other workmen (as per list annexed) from their date of casual employment with all service benefits by the management of Visakhapatnam Port Trust is legal and/or justified? If so, to what relief the concerned union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 48/2007 and notices were issued to the parties.

2. Petitioner union called absent for several occasions from first date of hearing. The case is fixed for filing of claim statement and documents on 21-7-2011. None present to pursue the case from Petitioner's side. It appears that Petitioner union is not interested to pursue the case. The case is pending for more than three years for filing of

claim statement as such, in absence of claim statement, Nil Award is passed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 21st day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
Nil	Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2804.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-II, नई दिल्ली के पंचाट (संदर्भ संख्या 151/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/74/1997-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2804.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 151/1997) of the Central Government Industrial Tribunal/Labour Court-II, New Delhi now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 19-2011.

[No. L-12012/74/1997-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**IN THE COURT OF SHRI SATNAM SINGH,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-
II, KARKARDOOMA, DELHI.**

ID No.151/1997

In the matter of dispute between

Smt. Sneh Aggarwal
Plot No. 43, Flat No. S-25,
Sector-9, Venue Apartments,
Rohini, Delhi-110085.

...Workman

Versus

The Chairman & Managing Director,
Punjab National Bank, Head office,
7, Bhikaji Cama Place,
New Delhi.

...Management

AWARD

The Central Government, Ministry of Labour vide order No. L-12012/74/97-IR (B-II) dated 30-9-1997 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the management of PNB in dismissing the Service of Sneh Lata Aggarwal Clerk-cum-Cashier w.e.f. 11-8-95 is just and fair. If not, to what relief the workman is entitled?"

Later on a corrigendum was issued by the Govt. of India, Ministry of Labour that in line 3 of the schedule the name of the workman should be read as Sneh Aggarwal instead of Sneh Lata Aggarwal.

1. The workman Smt. Sneh Aggarwal in her statement of claim has submitted that she was appointed as clerk in the management bank on 15-9-1978 after going through the proper selection procedure. She had been discharging the job responsibilities to the entire satisfaction of the management. Her service record spanning over 13 years has been unblemished, untarnished and without any stigma. When she was posted in the Parliament Street branch of the management bank she was dismissed from service in a most illegal, arbitrary, malafide and malicious manner. That she was placed under suspension by the management bank vide letter dated 30-1-1992 by the Asstt. General Manager, Punjab National Bank, Sansad Marg Branch New Delhi. That neither the foundation of the suspension order nor any grounds for that were mentioned in the said order. In order to fill up the gap in the suspension order the management bank issued another suspension order on 31-1-1992 placing the workman under suspension in connection with the alleged inflation of FDR No. 20/1991 Account No. 238 Branch Office Kalli Rampur Meerut UP. That the management bank issued the charge sheet dated 07-02-1994 which was signed by the Asstt. General Manager (Disciplinary Authority) vide letter dated 7-2-1994. The charge levelled against her is reproduced below :

"You committed a fraud by misusing your position as a Staff Member which is a act prejudicial to bank's interest which is a misconduct in terms of para 19.5(j)"

2. That the workman denied the charges leveled against her in writing by way of various letters explaining that she had not committed any fraud nor she is a party to any conspiracy nor she did any act contrary to bank's

interest. That at no occasion she misused her position as a staff member to gain any personal benefit which may be termed as prejudicial to the bank's interest. Instead a conspiracy has been hatched by vested interests of high officials of the bank and her's is a glaring case of harassment and victimization of a female staff member. That she demanded full subsistence allowance to which she was entitled as per rules for the period of suspension from 01-02-1992 but she was dismissed from service. It is pertinent to mention that she was placed under suspension after a prolonged delay of over two years. If there was any misconduct of the nature as alleged involving financial interest of the bank the management could have resorted to criminal proceedings or at least disciplinary proceedings could have been initiated immediately. That the management bank vide order dated 30-6-1994 appointed Mr. R.M.C Vaishya Senior Manager as the enquiry officer for conducting disciplinary proceedings against the workman on the charges levelled against her. That subsequently the management bank issued another order dated 27-10-1994 thereby appointing Mr. D D Sharma, Senior Manager (Personnel) as the enquiry officer in place of Mr. Vaishya. That no reasons have been given why there was a necessity to change the enquiry officer. That enquiry proceedings have been conducted in violation of the statutory rules and norms. That the relevant FDR in original was never produced though relied upon. Also material documents were not produced in original nor copies supplied to her. She was even denied the help of a defence helper after the initial stages and she was compelled to defend her case herself without an opportunity to engage a fresh defence helper when the earlier one had left the proceedings midway.

3. That the enquiry officer did not take note of the contentions, pleas and arguments advanced by the workman in her defence. She also pointed out glaring legal infirmities in the conduct of the disciplinary proceedings but the enquiry officer did not act impartially and acted at the whims and commands of the disciplinary authority. The enquiry officer did not apply his mind to the various objections raised by the workman and in the defence brief and after brushing aside everything submitted the report dated 14-3-1995 holding the workman guilty of the alleged misconduct. That the disciplinary authority issued the show cause notice dated 1-7-1995 proposing the punishment of dismissal and asked her to appear in person before the disciplinary authority on 17-7-1995. The workman submitted a representation against the enquiry report. That the disciplinary authorities issued orders dated 8-11-1995 and inflicted the penalty of dismissal from service on the workman in a most arbitrary, malafide and malicious manner.

4. That the workman preferred an appeal dated 19-9-1995 but the appellate authority dismissed her appeal by a non speaking and non reasoned order though the law

requires that the appellate authority must apply its mind to each of the objections raised by the delinquent, assess the evidence on record and then pass a speaking and detailed order.

5. The workman thereafter approached the Regional Labour Commissioner (Central), Ministry of Labour, Govt. of India and preferred an industrial dispute before the Conciliation Officer. However, the conciliation proceedings failed. The Conciliation Officer then submitted his report vide letter dated 19-3-1997 stating that conciliation had failed. Thereafter the Ministry of Labour vide its letter dated 3-9-1997 referred the dispute to this industrial tribunal.

6. It is further the case of the workman that prior to her posting in the Parliament Street branch of the Punjab National Bank she was working in the branch office at Tilak Nagar where Mr. P.S. Bedi was the Assistant Branch Manager and she worked under the overall charge of Mr. P.S. Bedi. The said Mr. P.S. Bedi was later on transferred out of Delhi and posted at Kalli Rampur, Meerut UP branch as a Branch Manager. As is usual in commercial banks the manager is given a target of deposits which he has to achieve to prove his efficiency. The said Mr. P.S. Bedi under whom she had worked at Tilak Nagar branch approached her and requested her to give him some deposits to enable him to fulfill and achieve the target so fixed for him. The workman acceded to his request and gave a sum of Rs. 60,000 in cash by withdrawing Rs. 50,000 from her OD account No. 910702 and Rs. 10,000 by Cheque No. 91705 on 21-11-1990 to Shri P.S. Bedi for issuing FDR in her name and gave an application form signed by her for this purpose. That after few days Mr. P.S. Bedi brought the FDR bearing No. 20/91 dated 2-2-1991 for an amount of Rs. 60,000 and handed over the same to her and she was satisfied on getting the FDR for the cash amount paid by her to Mr. P.S. Bedi.

7. That immediately thereafter the workman was in need of money and on 4-2-1991 she requested the management bank to advance loan to her on that FDR and the same was accepted and loan of Rs. 60,000 was sanctioned to her. That subsequently, the management bank somehow detected from the records of Kalli Rampur, Meerut UP branch of the Punjab National Bank that FDR No. 20/91 was issued for an amount of Rs. 6,000 and not for Rs. 60,000 which is entered in the FDR. The workman on coming to know of the same immediately refunded the loan amount and deposited Rs. 66500 with the bank on 28-1-1992. That on 29-1-1992 she was called by the Chief Manager of the Parliament Street branch in his chamber where some other officers were also sitting and he burst out at her that she had committed a fraud on the bank by inflating FDR of Rs. 6,000 to Rs. 60,000 and threatened her with dire consequences and that she will be dismissed and arrested and she was coerced to give a confessional

statement. She first denied but under serious mental strain, coercion and duress she was dictated a statement and her signatures were obtained thereon. It is stated that it was not her voluntary act but the statement was given under threat, duress and coercion. It is submitted that it is usual in the bank working that FD is prepared and signed by an accountant and manager or some other authorized bank officers. In Kalli Rampur Meerut UP branch Mr. Pardeep Kumar Aggarwal MW2 signed the FDR which was prepared by the branch manager Mr. P. S. Bedi. If the original FDR is produced before the tribunal it would be observed that there is no erasing, over-writing, cutting or anything of this sort. It is clearly made out for Rs. 60,000 and maturity value of Rs. 66228 is clearly indicated thereon also. There is absolutely no manipulation or inflation of any word or figure which clearly depicts that it was a fraud on the bank by Mr. P.S. Bedi , the branch manager. According to the workman, it is noteworthy to point out that FD is dated 2-2-1991 when as per the bank's records no amount at all was deposited on 2-2-1991 and it was only on 4-2-1991 that as per the bank record an amount of Rs. 6,000 was deposited. How the two officers particularly Mr. Pardeep Kumar Aggarwal put his signatures on the FDR without seeing and ensuring about the deposit and completion of other formalities.

8. It is further the case of the workman that she submitted a representation on 3-3-1992 wherein she gave the actual facts and informed the authorities that her earlier statement dated 29-1-1992 was obtained under duress, coercion and threat and the same was not made by her voluntarily. It is further submitted that the bank had cited three witnesses in the enquiry but examined only two and left out Smt. Sudesh Malhotra, Special Asstt. in the Parliament Street Branch who was dealing with FDRs in that branch. If she had been examined she would have given the correct condition of the FDR which would have established that there was no erasing, overwriting or inflation. The workman has also submitted that she examined Mr. P.S. Bedi as DW1 in the enquiry proceedings and his evidence is crucial and important and he admitted his guilt and has confessed about the fraudulent act indulged by him and admitted that the workman is innocent and she was not associated much less connived with the fraudulent preparation of the FDR. That there was no evidence on record which could prove the workman's guilt but the enquiry officer has based his report on conjectures, surmises and hearsay evidence. That none of the documents relied upon by the management prove any conspiracy In fact, Mr. P.S. Bedi has played a fraud on her in as much as he had received Rs. 60,000 in cash from her but in the bank records showed the transaction for Rs. 6,000 only. That there has been no application of mind on the part of the disciplinary authority and the order of dismissal has been passed in an illegal manner. The workman has submitted that the FDR has not been inflated

at all and she had no hand and never participated in any sort of manipulation or inflation of FDR. That she was not working at Kalli Rampur branch of the bank where the FDR was prepared and Mr. P. S. Bedi and Mr. Pardeep Kumar Aggarwal, branch manager and accountant respectively of the bank are the only concerned persons who prepared and signed the FDR. At no stage she played any role in either preparing the FDR or making of the entries in the bank records there. That she is innocent and not involved in the alleged inflation of the FDR even remotely. That the original FDR has not been produced in the enquiry and there is absolutely no evidence supporting the allegations that the FDR has been inflated and much less by the workman. That the main culprit Mr. P.S. Bedi has been proceeded against in a criminal case initiated by the bank authorities which is pending in the CBI Court of Special Judge, Delhi. That no proceedings have been initiated against Mr. Pardeep Kumar Aggarwal and he has not even been examined in the enquiry proceedings. That Mr. P.S. Bedi has admitted in an unambiguous language that he entered the amount of Rs. 60,000 on the FDR both in words and figure about which the workman has no knowledge at all and the management has not rebutted the same. That the management has failed to establish any conspiracy, collusion or connivance of the workman with Mr. P.S. Bedi in whose handwriting the FDR stands prepared. That the enquiry officer acted in an arbitrary manner and side tracked the deposition of MW1, MW2 and DW2 and relied upon the alleged confessional statement dated 29-1-1992 only. The workman, therefore, has prayed for setting aside and quashing the enquiry report dated 14-3-1995, the impugned order of dismissal from service dated 8/11/8-1995 along with rejection of the appeal order dated 17-3-1996 and direct the management to reinstate the workman with all consequential benefits of seniority and promotion etc. with full back wages and all ancillary allowances with 20 per cent per annum interest.

9. The management bank has contested the claim of the workman and has filed the written statement in which it is submitted that the workman Smt. Sneh Aggarwal was served with charge sheet dated 7-2-1994 by the disciplinary authority and the enquiry was conducted by the enquiry officer in accordance with the provisions of the Bi-partite Settlement during which she was allowed to be defended by the representative of her choice. That the documents produced by the management were made available to her. Witnesses were examined in the presence of the workman as well as her defence representative. The management witnesses were cross-examined by the defence representative and the workman was afforded opportunity by the enquiry officer and after considering the entire material on record the enquiry officer submitted the report dated 14-3-1995 holding that the allegations against Smt. Sneh Aggarwal had been proved. That the disciplinary authority forwarded the copy of the report of

the enquiry to Smt. Sneh Aggarwal vide letter dated 23-3-1995 asking her to make her representation and she made the necessary representation vide letter dated 3-4-1995. Personal hearing was granted to Smt. Sneh Aggarwal on 22-8-1995 and she had made her submissions and the disciplinary authority after considering the entire material including the submissions made during the personal hearing passed the final order dated 8/11-8-1995. Smt. Sneh Aggarwal preferred an appeal before the appellate authority and the appellate authority rejected her appeal after granting her personal hearing. It is further submitted that as per the Bipartite Settlement and vigilance circulars of the bank, till the investigation in the matter is concluded by the CBI authorities the bank is required to keep the disciplinary action in abeyance. When the CBI advised that the investigation had been concluded the bank was allowed to take disciplinary action and then charge sheet dated 7-2-1994 was served upon the workman. Thus allegations of delay are wrong and have been denied by the management. That all the necessary and relevant documents were produced during the departmental enquiry by the Presenting Officer and copies thereof were provided to Smt. Sneh Aggarwal. It is denied that she was denied the help of a defence representative. Smt. Sneh Aggarwal was defended by a representative of her choice namely Mr. K.R. Nagpal, General Secretary, PNB Employees Union, Delhi. On 14-2-1995 Mr. K.R. Nagpal withdrew himself from the enquiry without assigning any reason and Smt. Sneh Aggarwal made a statement on that date that she did not want to lead any further evidence but she would like to make a statement for which she requested for an adjournment which was granted. It is denied that the enquiry officer was under the direct control of the disciplinary authority or he did not act in an impartial manner. It is submitted that Smt. Sneh Aggarwal had voluntarily made a statement on 29-1-1992 and signed the same. That because of non examination of Smt. Sudesh Malhotra no adverse conclusion can be drawn and in case her evidence was considered relevant by the workman she could have examined her as her own witness. That the enquiry officer has given due and valid reasons for not believing the statement of Mr. P.S. Bedi. The management bank ultimately has prayed that this court may be pleased to hold that the enquiry conducted by the bank is fair and proper and further that the action of the bank in having inflicted the punishment of dismissal on Smt. Sneh Aggarwal is justified and she is not entitled to any relief. However, in case this court comes to the conclusion for any reason whatsoever that the departmental enquiry conducted by the bank is not fair and proper in that eventuality it is submitted that the bank would like to lead evidence to prove the allegations as contained in the charge sheet dated 7-2-1994.

10. By filing a replication the workman has controverted the pleas and the allegations made by the

management bank against her and has re-asserted her own submissions made in the statement of claim. It is pointed out by the workman that nothing incriminating was found by the CBI against the workman and no adverse report has been given against her. Prima facie no case was made out by the CBI against the workman and as such issuing a charge sheet and disciplinary proceedings are not founded on any material. The management though relied upon the report of the CBI but they have failed to place that report on record. That the original FDR was not produced which has deprived the workman of a fair chance to prove that there was no inflation done by her nor is there anything written on the FDR in her hand writing. It is reiterated that statement dated 29-1-1992 allegedly given by the workman was obtained from her under duress and threats by a group of officers who were all sitting in the chamber of the manager and it was not a voluntary statement which was thereafter immediately withdrawn by her also. That no valid reasons had been given by the enquiry officer for disbelieving the statement of Mr. P.S. Bedi. There is no law which permits the prosecution to use one and the same statement with two different yard sticks i.e. accepting the same for punishing Mr. P.S. Bedi and disbelieving the same for punishing Smt. Sneh Aggarwal. This is most discriminatory action.

11. After completion of the pleadings, the following issues were settled on 26-2-1998 :

- (i) Whether the domestic enquiry conducted against the workman is fair and proper ?
- (ii) As per the terms of reference.

Thereafter the case was fixed for recording evidence. In support of their case the management has examined Shri PC Jain, manager, CDPC, New Delhi as MWI and he has filed his affidavit dated 3-4-1998 as evidence. He was subjected to cross-examination from the side of the workman on 1-6-1998. In rebuttal to that the workman examined herself as WWI and filed her evidence by way of affidavit dated 6-10-1998. She too has been cross-examined from the side of the management bank on 30-6-2000. Thus recording of evidence by the parties on all the issues framed had concluded on 30-06-2000. In other words the parties had concluded their evidence on the merits of the case. However, vide dated 6-4-2005 on the application of the management issue no. 1 was ordered to be treated as preliminary issue by my learned predecessor.

12. I have heard the learned AR for the parties and have perused the entire record including the written submissions filed on record by both the sides. I have also gone through the relevant authorities relied upon by the parties in this case. My findings firstly on the preliminary issue are as under :

Findings on the Preliminary Issue :

13. It is vehemently contended from the side of the workman that the findings arrived at in this case by the

enquiry officer are not supported by any legal evidence and the said findings are utterly perverse. It is contended that no reasonable person could have arrived at such a findings as the enquiry officer has arrived at thereby holding the workman guilty of the charges framed against her. In the landmark judgment of the Hon'ble Apex Court in Delhi Cloth and General Mills Co. (Appellant) Vs. Ludh Budh Singh(Respondent), MANU/SC/0423/1972 in para 25 it has been held as under :

"We may also refer to the decision in Central Bank of India Ltd., New Delhi Vs. Shri Prakash Chaml Jain MANU/SC/0416/1968: (1969) IILLJ 377 SC where after a reference to the principles laid down in The Lord Krishna Textile Mills Vs. Its Workmen MANU/SC/0216/1960: (1961) ILLJ 211 SC it has been pointed out that the test of perversity of a finding recorded by a Tribunal or an Enquiry Officer will be that the said finding is not supported by any legal evidence at all. It has been further pointed out that a finding recorded by a domestic Tribunal like an Enquiry Officer will also be held to be perverse in those cases where the finding arrived at by the domestic Tribunal is one, which no reasonable person could have arrived at on the material before it. The position was summed up by this Court in the said decision as follows" :

"Thus, there are two cases where the findings of a domestic tribunal like the Enquiry Officer dealing with disciplinary proceedings against a workman can be interfered with, and these two are cases in which the findings are not based on legal evidence or are such as no reasonable person could have arrived at on the basis of the material before the Tribunal. In each of these cases, the findings are treated as perverse."

The following was the charge sheet issued to the workman by the disciplinary authority.

"While working as ALPM Operator (Standby) in BO Parliament Street, New-Delhi, you entered into a conspiracy with Shri P. S. Bedi the then Manager of BO Kalli Rampur with the intention of defrauding the bank. You got prepared an FDR on 2-2-91 (FDR No. 20/91 - Account No. 238) for Rs. 6000/- (Rs. Six thousand only) from BO Kalli Rampur through Sh. P.S. Bedi, the then Manager BO Kalli Rampur. The said FDR for Rs. 6000 (Rs. Six thousand only) was then inflated to Rs. 60,000 (Rs. Sixty thousand only) with ulterior motive. Subsequently, on 4-2-91, you raised a Demand Loan No. 110/25 of Rs. 60,000 on the above said inflated FDR and got credited the amount so raised to your CA(OD) No. 10671. On 4-2-91 itself you got debited CA (OD) No. 10671 to the tune of Rs. 35938/10 for adjustment of your own demand loan account No. 73/25. Also you got credited Rs. 1,000 to your DL Account No. 74/25 through this OD Account No. 10671 on the same day i.e. 4-2-91 itself. From the above, it is clear that you have intentionally used the above amount of Demand Loan No. 110/25 dated 4-2-91 raised against the said inflated FDR No. 20/91.

In view of the above, you are charged as under :

"You committed a fraud by misusing your position as a staff member, which is an act prejudicial to Bank's interest which is a misconduct in terms of para 19.5 (j)."

14. I have gone through the report of the enquiry officer carefully. It can be straightway remarked that the enquiry officer has returned a finding of guilt against the workman which no reasonable person would have arrived at on the basis of the material before the enquiry officer.

15. The first charge against the workman is that she entered into a conspiracy with Mr. P.S. Bedi the then manager of Kalli Rampur Meerut branch with the intention of defrauding the bank. There is however absolutely no evidence on record to show that any such conspiracy had been hatched by the workman with Mr. P.S. Bedi. In fact, Mr.P.S. Bedi was produced as defence witness by the workman and there he clearly exonerated the workman of the entire blame and took the blame on himself but that statement has not been appreciated properly and rightly by the enquiry officer and he did not give due regard to the said statement. What role did Smt. Sneh Aggarwal play in the making of the FDR No. 20/91 Account No. 238 of Kalli Rampur Meerut branch has not been explained by the enquiry officer. In fact, Smt.. Sneh Aggarwal had absolutely no role to play in the making of the FDR at Kalli Rampur Meerut Branch where Mr. P.S. Bedi was the manager. Even the original FDR was not produced before the enquiry officer and without having a look at it he recorded the findings of guilt against the workman Smt. Sneh Aggarwal. It is submitted that the said FDR was with the CBI who were also seized off the matter and were investigating the same and so the original FDR could not be shown to the enquiry officer. From the side of the workman it is submitted that her role in the making the impugned FDR was also examined by the CBI but nothing incriminating was found against her and so she has not been charge sheeted by the CBI though a charge sheet against Mr. P.S. Bedi has been filed by the CBI in the court and there he is facing trial and he even has lost his job in the bank. It may be noted that the enquiry officer himself has observed that a fraud was committed by Mr. P.S. Bedi yet he returned the findings against workman Smt. Sneh Aggarwal. There was also no evidence before the enquiry officer that workman Smt. Sneh Aggarwal had in fact inflated the FDR. Since Smt. Sneh Aggarwal was never posted at Kalli Rampur Meerut branch and she had absolutely no role either in preparation of the FDR which is done by the officials/officers of that branch including Mr. P.S. Bedi and Mr. Pardeep Aggarwal, accountant or in inflating the said FDR, it is not understood as to how the findings of guilt could be returned against her that she got the FDR prepared by defrauding the bank and inflating the said FDR. The FDR No. 20/91 has been allegedly prepared on 2-2-91 while the record of the branch at Kalli

Rampur Meerut nowhere even shows that any sum was credited to the bank account for the preparation of the said FDR on that date and no amount at all was deposited in the bank on 2-2-91. Can Smt. Sneh Aggarwal who was not posted in that branch at Meerut could be blamed for such kind of records prepared at the said branch. As per the bank's records it was only on 4-2-91 that an amount of Rs. 6,000 was shown as deposited. How could the FDR dated 2-2-91 be made when an amount of Rs. 6,000 was allegedly deposited on 4-2-1991. For this mess can Smt. Sneh Aggarwal be blamed when she was not working in the said Kalli Rampur branch. As the original FDR was not produced in the enquiry there is absolutely no evidence supporting the allegations that the FDR had been inflated much less by the workman. The enquiry officer seems to have been influenced solely by the alleged statement dated 29-1-1992 made by the workman in the chamber of the branch manager at Parliament Street, New Delhi branch. I have gone through the said statement. The said statement even does not unambiguously makes any confession by the workman that she had done the acts which form part of the charge sheet now against her. In fact the major part her statement is exculpatory in nature. Smt. Sneh Aggarwal has claimed that the said statement was not her voluntary statement and the same had been obtained from her under duress, coercion and threat by the bank officers. That statement even was subsequently withdrawn by Smt. Sneh Aggarwal vide representation dated 3-3-1992 but the same was not taken care of by the enquiry officer.

16. If the FDR had been properly obtained by Smt. Sneh Aggarwal by paying Rs. 60,000 to Mr. P.S. Bedi the then manager of the Kalli Rampur branch there could be nothing wrong for her to raise the loan on the said FDR. In fact there was absolutely no evidence before the enquiry officer to come to a finding that Smt. Sneh Aggarwal committed a fraud by misusing her position as a staff member or any of her acts were prejudicial to the bank's interest and as such the misconduct.

17. In view of the above it is abundantly clear that the enquiry officer appointed in this case has arrived at a finding which no reasonable person could have arrived at on the material before it. Such findings necessarily shall have to be termed as perverse. I, therefore, hold that the domestic enquiry conducted against the workman being perverse is not fair and proper. The preliminary issue framed in this case thus is answered in the negative and against the management.

18. What should be done next in this case is another serious question for consideration. The management bank in its written statement has submitted that if the departmental enquiry conducted in this case is held as not fair and proper in that eventuality the bank would like to lead evidence to prove the allegations against the workman as contained in the charge sheet dated 7-2-1994.

Fortunately, here also we get guidance from the case of Delhi Cloth and General Mills Co. (Appellant) Vs. Ludh Budh Singh MANU/SC/0423/1972 (Supra). In para 62 of the said judgment broad principles which emerged in cases of this nature have been highlighted by the Hon'ble Supreme Court of India. In para 63(3) it has been observed as under:

"When the management relies on the enquiry conducted by it, and also simultaneously adduces evidence before the Tribunal, without prejudice to its plea that the enquiry proceedings are proper, it is the duty of the Tribunal, in the first instance, to consider whether the enquiry proceedings conducted by the management, are valid and proper. If the Tribunal is satisfied that the enquiry proceedings have been held properly and are valid, the question of considering the evidence adduced before it no longer survives. It is only when the Tribunal holds that the enquiry proceedings have not been properly held, that it derives jurisdiction to deal with the merits of the dispute and in such a case it has to consider the evidence adduced before it by the management and decide the matter on the basis of such evidence."

19. It may be noted here that all issues were settled in this case on 26-2-1998 and issue No. 2 was as under:

"As per the terms of reference."

Thereafter the case was fixed by my learned predecessor for recording evidence. The management in support of its case examined Mr. P.C. Jain, manager as MW1 and he has filed his evidence by way of affidavit dated 3-4-1998. He was subjected to cross-examination from the side of the workman on 1-6-1998. In rebuttal to that, the workman examined herself as WW1 and filed her evidence by way of affidavit dated 6-10-98. She too has been cross-examined from the side of the management bank on 30-6-2000. Thus the parties had concluded their evidence on merits on 30-6-2000. In other words, the management had simultaneously adduced evidence before this tribunal on merits as well and they had concluded their evidence on 1-6-1998. However, my learned predecessor vide his order dated 6-4-2005 ordered that issue No. 1 be treated as preliminary issue. The said preliminary issue has since been decided above against the management. As the management had simultaneously adduced evidence before this tribunal on merits as well and they had concluded their evidence on merits on 1-6-1998. I now need to appreciate the evidence on merits and decide the matter fully and finally on the basis of such evidence.

20. Mr. P.C. Jain in his evidence as MW1 has testified that Smt. Sneh Aggarwal while working as ALMPO entered into a conspiracy with Shri P.S. Bedi the then Manager at Kalli Rampur Meerut branch and she got prepared the FDR No. 20/91 for Rs. 6,000 from Kalli Rampur branch and

inflated it to Rs. 60,000 with ulterior motive and thereafter she raised a demand loan on the said FDR. Mr. P. C. Jain has also testified that the original FDR and the promissory note of Smt. Sneh Aggarwal requesting for demand loan against the impugned FDR No. 20/91 for Rs. 60,000 could not be produced since the same had been seized by the CBI. He has produced the seizure memo and the certified copies for inspection.

In his cross-examination Mr. P. C. Jain was given the suggestion that the enquiry conducted by the enquiry officer was not fair and proper to which he denied. He was also given the suggestion that his findings were based on conjecture and are biased and to that also he had denied.

21. Rebutting the said evidence, Smt. Sneh Aggarwal in her evidence has testified that the charges levelled against her are illegal as she has no role to play in the functioning of Kalli Rampur PNB branch where the alleged FDR was prepared. That the enquiry officer ignored the confessional statement of Mr. P. S. Bedi who was the manager of that branch. That the original FDR was not produced even in the enquiry. That the charges levelled against her have been fabricated and concocted as even the photo copy of the FDR does not show any cutting, erasing or inflation and as such the charge is based on conjectures and surmises. Smt. Sneh Aggarwal has asserted that she had given Rs. 60,000 to Mr. P. S. Bedi and the FDR was prepared by him and the said FDR dated 2-2-1991 was counter-signed by Mr. Pardeep Aggarwal. According to her it is abundantly clear that these two bank officials could have conspired and manipulated for their personal gain without the workman having even the slightest knowledge of the same. According to her, how could the two sign and counter-sign the FDR when not a single penny was deposited with regard there to on the date of the issue of the FDR. Smt. Sneh Aggarwal has further deposed that on 4-2-1991 she requested for a loan and the bank officers took possession of the concerned FDR and it was only after thorough verification of the FDR and when nothing was found wrong with the FDR as it was genuine in all respects that the loan was advanced to her. Had there been any inflation/alteration in the FDR the loan could not have been granted to her. She has further testified that the management handed over the case to CBI for investigation who have filed a challan in the Special Court against Mr. P. S. Bedi while her name does not figure there. That at no stage any investigation adversely affecting her were conducted nor any report/challan has been filed by the CBI against her.

In her cross-examination, Smt. Sneh Aggarwal has stated that she had taken the loan for making repairs of her house. According to her FDR No. 20/91 was given to her by Mr. P. S. Bedi and the same was issued by the branch office at Kalli Rampur Meerut branch and the said FDR was of the amount of Rs. 60,000.

22. The evidence on merits simultaneously led by the parties in this case and reproduced above also in no way prove the guilt of workman Smt. Sneh Aggarwal. At the cost of repetition it is reiterated that as discussed already in this judgment there is absolutely no evidence to show that Smt. Sneh Aggarwal had entered into any conspiracy with Mr. P. S. Bedi the then manager of the Kalli Rampur Meerut branch nor is there any adverse rôle which could be attributed to her in the preparation of the FDR No. 20/91 on 2-2-1991 as the said FDR was prepared at Kalli Rampur Meerut branch where Smt. Sneh Aggarwal was not even posted. There is no evidence on record to show that she had inflated the FDR from Rs. 6,000 to Rs. 60,000. In fact even the copy of the FDR does not in any way show that any inflation of the amount from Rs. 6,000 to Rs. 60,000 has been made by anyone including Smt. Sneh Aggarwal. No interpolation even is seen in the copy of the FDR. If nothing wrong with the FDR could be detected by the loan sanctioning authorities when the loan of Rs. 60,000 on the said FDR was sanctioned to Smt. Sneh Aggarwal how could Smt. Sneh Aggarwal be blamed in any manner. If there was anything wrong with the FDR on the strength of which loan was sanctioned to Smt. Sneh Aggarwal the same could have been detected by the loan sanctioning authorities. But no such thing is there. Smt. Sneh Aggarwal has not even been charged sheeted by the CBI though they had investigated the matter and they had filed a charge sheet only against Mr. P. S. Bedi. The management thus has clearly failed to prove the charges against Smt. Sneh Aggarwal even on the basis of the evidence adduced by them in this case simultaneously along with the evidence on the enquiry point.

23. In view of the above I hold that the action of the management of the PNB in dismissing the services of Smt. Sneh Aggarwal clerk cum cashier with effect from 11-8-1995 is not just, fair and proper. Holding so I direct the management bank to re-instate the workman with full back wages and all consequential benefits such as seniority and promotion etc.

Dated: 10-8-2011

SATNAM SINGH, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2805.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण/प्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/16 ऑफ 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/152/2005 आईआर (बी II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2805.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/16 of 2006) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 1-9-2011.

[No. L-12011/152/2005-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : K.B. KATAKE, Presiding Officer

REFERENCE No. CGIT-2/16 of 2006

Employers in Relation to the Management of
Syndicate Bank

The Deputy General Manager,
Syndicate Bank,
NIR Cell, GM Office, Regional Office,
Maker Tower 'E', 2nd floor,
Cuffe Parade, Mumbai-400 005.

AND

Their Workman

The Vice President
Nhava Sheva Port & General Workers Union,
Port Trust Kamgar Sadan, 2nd floor,
Nawab Tank Road, Mazgaon,
Mumbai-400 010.

APPEARANCES:

For the Employer : Mr. R. N. Shah, Advocate.

For the Workmen : Mr. J. H. Sawant, Advocate.
Mumbai, dated the 22nd July, 2011.

AWARD

The Government of India, Ministry of Labour and Employment by its Order No.L-12011/152/05-IR (B-II), dated 24-2-2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether it is a fact that S/Shri Sitaram Rahata, Vinod Salvi and Smt. Bharti Mohite were working as Attenders with the Syndicate Bank continuously from 1998/1991/1994? Whether the demand of Nhava Sheva Port and General Workers' Union, Mumbai to regularize their services by the management of Syndicate Bank, R. O., Mumbai is legal and justified? If not, what relief these three workmen are entitled to?"

2. After receipt of the reference from the Ministry in response to the notice, both the parties appeared through their representatives. The second party union filed their statement of claim at Ex-6. According to them, the three workmen Shri Sitaram Bhiku Rahate, Bharati Tukaram Mohite, Vinod Gopinath Salvi are working with the first party Bank at various branches and offices of the Bank and doing the work of attendant such as arranging the record, files, bundles, slips etc., receiving the old record pool, producing the files before the Manager etc. They were under direct control and supervision of the Manager of the Bank and other staff members. Their working hours are 9 am to 4 pm on every working day. They have been paid wages at a very low rate. In the year 1988 to 1990 their wages was at the rate of Rs. 30 per day. In 1991 it was Rs. 35 per day. In the year 1992-1993 it was Rs. 45 per day. In 1994 it was Rs. 50 per day. In 1995-98 @ of Rs. 55, for 1998 to 2000 Rs. 65 per day, for the year 200-2002 Rs. 80 per day in the year 2003 Rs. 90 and since 2004 they were receiving Rs. 100 per day. They were not given any other benefit or remuneration and other facilities which are given to the permanent employees. They are working since last 12 to 18 years with the first party Bank. They were demanding the benefits of permanency. However they were under threat to lose their respective jobs. Therefore they did not press their demand.

3. Finally in 2005, they have written a letter to A.I.C (C) and raised industrial dispute. A.I.C called both the parties for conciliation. He was also convinced that the workers are entitled to get the benefits of permanency. However due to rigid and unfair attitude of the management, conciliation failed and A.I.C reported the matter to Labour Ministry for reference. The union therefore prays that the action of the management be declared illegal and unjustified not conferring upon these three workmen the status and privilege of permanency workman of the management and the management be directed to confer upon them the status and privilege of workman of the management in the post of attender from the date of their respective employment with all consequential benefits.

4. The first party management of Syndicate Bank resisted the statement of claim vide its written statement at Ex-7. According to them, the reference is not maintainable. It is bad in law. The three persons listed in the statement of claim are not workmen within the meaning of Section 2 (s) of I.D. Act. They were never appointed in the service of the Bank. Their services were rendered as casual labour as and when required by the branch. Their services were purely casual. No way they are connected with the business, normal routine function of the branch. There is no employer-employee relations between them. They were working as coolies for few hours in a day or few days in a week purely on temporary basis that too as and when there was any incoming or outgoing record are involved. They were being paid coolie charges based on the duties they have performed. They were never employed for wages.

5. As they are not workmen under I.D. Act, this Tribunal has no jurisdiction to entertain this dispute. According to them, they have their own record godown at Kalina. Records received from various branches/offices are stored there on racks using services of coolies. Said work is not regular. As and when record is received at the godown, the coolies are engaged for few hours or few days to unload and keep the files in the record room. The persons concerned have accepted the coolie charges for rendering their work. No right is conferred upon them. They denied that the management had appointed them and that they are working since last 12-18 years. They denied that they were working for the Bank on every working day from 9 am to 4 pm. They denied that they are working for the Bank regularly as has been claimed. Therefore the first party management prays that the reference be rejected with cost. By way of rejoinder at Ex-8, the union has repeated the same version.

6. Following are the issue framed by my Ld. Predecessor. I record my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Whether the three workers under reference are workmen and whether there exists employee-employer relations between the workmen and the first party management?	No
2.	Whether the workmen are entitled to get the status of permanency from the date of their respective joining?	No
3.	Whether the union is entitled to the declaration sought for?	No
4.	What order?	As per final order.

REASONS

Issues nos. 1 to 3 :—

7. These issues are interlinked and interconnected. Therefore in order to avoid repetition of discussion, they are discussed and decided simultaneously. The second party union claims that the three workmen are working with the first party Bank since 1988, 1991 and 1994 respectively. According to the union, they are employed by the Bank as attender for managing the record and producing the same before the officers concern. As against this it is the case of the first party Bank that neither these workmen were employed by the Bank nor they are working regularly. According to them they were engaged for few hours in a day or few days in a week to unload and arrange the record in their godown at Kalina. According to them, neither these workmen worked continuously nor they are paid wages as has been claimed.

8. According to the Bank these three workmen were engaged as coolies as and when required for. This version

of the second party management is even admitted by WW-1, Shri Vinod Gopinath Salvi in his cross-examination at Ex-30. He admitted that the Bank record room/Godown is at Kalina. He admitted that record of various branches of the Bank is stored in that godown. He further admitted that they were working there as coolies in that godown. He admitted that they received payment of the days of which they worked there. He admitted that payment was made to them calculating the working days at the end of the week. This witness has also admitted in his cross that there is no post of coolie in the Bank. He further says in his cross that their work depend upon the receipt of record from various branches in the said godown. He has also admitted that if permanent employee is to be recruited, Bank has to advertise the said post in the newspaper. He has admitted that he was not appointed by the Bank as attendant. He has also admitted that nature of their work is of casual nature. From the reply in the cross examination of this witness it is clear that these workers were never employed by the Bank and their services were availed casually as and when required for.

9. In the circumstances, the Ld advocate for the first party management submitted that such casual labourers or contract employees cannot claim permanency. In support of his argument, the Ld adv resorted to the Apex Court ruling in Secretary, State of Karnataka & Ors V/s Umadevi and ors. wherein on the point of daily wage earners or casual labourers, the Hon'ble court has made it clear that the permanent post are required to be filled up by following the procedure prescribed therefor. The Hon'ble court in respect of the casual labourers or daily wage earners observed that :

“The courts are not expected to issue directions for making such persons permanent in service,...”

The same view is reiterated by the Hon'ble Apex court in the recent ruling reported in Satyaprakash and ors V/s. State of Bihar 2010 1 CLR 1082 wherein the Hon'ble Court reiterated the same ratio laid down in the above referred case of Secretary, State of Karnataka (Supra). In short, the casual or contractual workers who are not recruited by following due procedure are not entitled to be regularized. In short the workmen here in are neither workman as defined under Sec. 2 (s) nor there is employee-employer relationship between these workmen and the first party Bank.

10. In this backdrop conclusion can be arrived at that the union is not entitled to the declaration sought for. The workmen are not entitled to get the benefit of regularization. Accordingly, I decide these issues nos. 1 to 3 in the negative and proceed to pass the following order:

ORDER

The reference stands dismissed with no order as to costs.

Date: 22-7-2011

K. B. KATAKE, Presiding Officer Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2806.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुंबई के पंचाट (संदर्भ संख्या सीजीआईटी-8 ऑफ 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/82/2005-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2806.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-8 of 2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai as shown in the Annexure, in the Industrial Dispute between the management of United Bank of India and their workmen, received by the Central Government on 9-9-2011.

[No. I-12012/82/2005-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1, AT MUMBAI

PRESENT

Justice G.S. Sarraf, Presiding Officer

Reference No. CGIT-8 of 2006

Employers in relation to the management of

Union Bank of India

And

Their Workman, Shri Shivaji B. Sorte

Appearances :

For the Management : Mrs. Prafulla S. Shetty, Adv.

For the Workmen : Mr. Jaiprakash Sawant, Adv.

Mumbai, dated this the 11th day of August, 2011

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour, New Delhi Order No. L-12012/82/2005-IR (B-II) dated 21-4-2006. The terms of reference given in the schedule are as follows:

“Whether the action of the management of Union Bank of India in terminating of Shri Shivaji B. Sorte from service w.e.f. 20-9-2004 is legal and justified? If not, to what relief the concerned workman is entitled to?”

2. Mrs. P.S. Shetty, Advocate for the Management is present. Mr. Jaiprakash Sawant, Advocate is present for the workman.

3. Today, Shri Jaiprakash Sawant, Advocate has filed an application stating therein that the workman is not interested in pursuing the matter. He submits that the reference be disposed of as not pressed by the workman.

4. In view of the above submission, the reference stands disposed as not pressed by the workman.

An Award is made accordingly.

JUSTICE G.S. SARAF, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2807.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शिपिंग कॉरपोरेशन ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ संख्या 34/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-32011/6/2007 आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2807.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Shipping Corporation of India Ltd. and their workmen, which was received by the Central Government on 1-9-2011.

[No. I-32011/6/2007-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 34 of 2007

Parties : Employers in relation to the management of
Shipping Corporation of India Ltd.

AND

Their workmen

Present : Mr. Justice Manik Mohan Sarkar

... Presiding Officer

APPEARANCES:

On behalf of the Management : None

On behalf of the Workmen : None

State : West Bengal
Dated : 20th October, 2010.

Industry : Banking

AWARD

By Order No.L-32011/6/2007-IR(B-II) dated 28-11-2007 the Government of India, Ministry of Labour in exercise of its powers under Section 10(l)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of the Shipping Corporation of India Ltd., Kolkata linking individual performance with performance related incentive in violation of Mohan Committee Report is justified? If not to what relief the concerned workmen are entitled?"

2. On call none of the parties are found to be present in this Tribunal.

3. On scrutiny of the records it is found that though this reference started on 4-1-2008 and though several notices were sent to the parties, specially the workmen union, even after service of notice on the parties as revealed from the A.D. Card received with endorsement of service, parties are found to be reluctant to appear before this Tribunal and to pursue this reference.

4. On the previous day an order was passed that if the parties, specially the workmen union fail to appear on this deferred date, a "No Dispute" Award will be passed.

5. In such circumstances, as I find that the parties are not appearing, a presumption of 'no industrial dispute' is taken and I do not find any reason to proceed with the present matter any further, following reluctance of the workmen union.

6. So, the present reference is disposed of treating no existence of any industrial dispute.

An Award is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer
Kolkata,

Dated, 20th October, 2010

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2808.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैं. जे. एम. बख्ती एंड कं. को प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण/प्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 15/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-38012/1/2008-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2808.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the management of M/s. J. M. Baxi & Co. and their workmen, received by the Central Government on 9-9-2011.

[No. L-38012/1/2008-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT
BHUBANESWAR**

PRESENT:

Shri J. Srivastava,
Presiding Officer, C.G.I.T.-cum-Labour Court,
Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 15/2009

Date of Passing Award—9th August, 2011

BETWEEN:

The Management of the Branch Manager,
M/s. J. M. Baxi & Co., 48, Badapadia, Paradip,
Dist. Jagatsinghpur, Orissa.

...1st Party-Management

AND

Their workman Shri Bichitra Madeli,
At./Po. : Sector-21, Paradip,
Distt. Jagatsinghpur, Orissa.

...2nd Party-Workman

APPEARANCES:

Shri Pradeep Kr. Sahoo, ... For the 1st Party-
Authorized Representative Management

Shri Bichitra Madeli. ... For the 2nd Party-
Workman

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the management of M/s. J.M. Baxi & Co. and their workman in exercise of the

powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-38012/1/2008-IR(B-II), dated 6-2-2009.

2. The dispute as referred to is mentioned below :

"Whether the action of the management of M/s. J.M. Baxi & Co., by terminating the services of workman w.e.f 10-12-07 of Shri Bichitra Madeli, Driver engaged by them without notice compensation is legal and justified? What relief the workman is entitled to?"

3. The 2nd Party-workman filed his statement of claim in which he has stated that he was engaged as a driver with effect from 9-1-2007 on monthly salary of Rs. 3,500 to drive Tata Sumo bearing Registration No. OR-02Y-3611. The 1st Party-Management is conducting stevedoring business at Paradip and other parts of India. It has an office at Paradip and eight numbers of four wheeler are engaged in company's work. The 2nd Party-workman was discharging his duties with due diligence and was paid for over time work, but no bonus was paid to him like other employees of the 1st Party-Management. The 2nd Party-workman requested the Branch Manager to pay bonus and extra amount for doing outside work, but on 9-12-2007 at about 8 P.M. the Branch Manager of the 1st Party-Management collected the monthly entry permit issued by the Paradip Port Trust from the 2nd Party-workman and informed him that his services are terminated from 10-12-2007. On 10-12-2007 he reported for duty but the 1st Party-Management engaged another driver to drive the vehicle which was earlier allotted to him. He continued to report and remained on duty till 3rd January, 2008, but was not allowed to join duty. A letter sent by him to the 1st Party-Management on 7-1-2008 for reinstatement was returned back with endorsement of refusal. Therefore he raised the dispute before the Assistant Labour Commissioner (Central), but no settlement can be arrived at with the 1st Party-Management. Hence on failure of conciliation the matter was referred to the Central Government. The termination of the 2nd Party-workman after one year's continuous engagement is bad in law. As such he is liable to be reinstated with full back wages.

4. The 1st Party-Management in its written statement has stated that the reference is not at all maintainable both on facts and law. The Branch Office of M/s. J.M. Baxi & Company, Paradip is functioning under the direct control of its Head Office, Mumbai. Any appointment in regular or temporary post is made with the approval of the competent authority at Mumbai. The Branch in-charge does not have the power to engage any person either on regular or temporary basis. Therefore the contention of the 2nd Party-workman that he was engaged by the Branch Manager is totally false, misconceived and denied. He was never appointed/engaged in any post by the Management

Company nor his pay was fixed at Rs. 3,500 per month. The vehicle bearing No. OR-02Y-3611 although belongs to the Management company, but it was handed over to one of its officers Shri S.K. Panda, Dy. Manager for his use without any driver. The officer concerned for his own convenience might have engaged the present disputant in his personal capacity to drive the vehicle in question. There is no master and servant relationship between the 1st Party-Management and the 2nd Party-disputant. The officers of the company can enter into the premises of Paradip Port Trust when gate passes are issued to their vehicles by the Security Department or Identity Cards are issued to them by the Contractor establishment. As the disputant was not an employee of the 1st Party-Management and did not possess any Identity Card he has obtained gate pass through the recommendation of the officer using vehicle. Thus mere possessing of the vehicle entry gate pass does not ipso-facto confer status of workman on the disputant. Even assuming that the disputant is an employee of the 1st Party-Management it does not entitle him to get the protection of Section 25-F of the Industrial Disputes Act as he has not completed 240 days of work in the preceding 12 calendar months from the date of his alleged termination.

5. On the pleadings of the parties following issues were framed.

ISSUES

1. Whether the disputant-workman was ever appointed/engaged in any post by the Management-company and whether Shri S.K. Panda, Dy. Manager without any authority has appointed/engaged the disputant-workman for his own convenience?
2. Whether the action of the Management of M/s. J.M. Baxi & Co., by terminating the services of the workman with effect from 10-12-2007 of Shri Bichitra Madeli, Driver, engaged by them without notice compensation is legal and justified?
3. What relief the workman is entitled to?
6. The 2nd Party-workman Shri Bichitra Madeli has examined himself as W.W.-1 and Shri Dibakar Panda as W.W.-2.
7. The 1st Party-Management has filed affidavit evidence of Shri S.K. Panda as M.W.-1 duly cross examined by the 2nd party-workman.
8. The 2nd Party-workman has annexed certain documents in the shape of Xerox Copies with the statement of claim, but they have no been proved in evidence.

FINDINGS

ISSUE NO. 1

9. The point at dispute here is that whether the disputant workman was engaged by the 1st Party-Management or by its Deputy Manager Shri S.K. Panda

without any authority for his own convenience. Undoubtedly the disputant workman was appointed as driver to drive Tata Sumo vehicle bearing Registration No. OR-02-Y-3611 with effect from 9-1-2007 which is said to have been allotted to Shri S.K. Panda, Deputy Manager of the 1st Party-Management. This fact has been deposed by the disputant workman in his cross-examination where he has stated that "I was a personal Driver of the Deputy Manager of the Management", but he has denied that his wages were paid by the Deputy Manager from his own pocket. The 1st Party-Management has not denied the engagement of the disputant workman, but it has advanced its case on the footing that the disputant workman was appointed by Shri S.K. Panda, Deputy Manager in his personal capacity as his personal driver and was paid from his own pocket. When the engagement of the disputant workman as driver is admitted, the burden to prove that he was engaged by Shri S.K. Panda in his personal capacity rests on him. Except his oral testimony no documentary evidence has been filed by him in this regard. The disputant workman has straightaway stated that he joined as driver under the 1st Party-Management, M/s. J.M. Baxi, but he has nothing to prove this except his oral evidence that he was an employee of the Management of M/s. J.M. Baxi. As I have stated earlier that the burden to prove the fact that he was engaged by Shri S.K. Panda as his personal driver shifts on his shoulder at the movement his engagement in the establishment is admitted, but the 1st Party-Management or its Deputy Manager Shri S.K. Panda has failed to prove this fact by any cogent and sufficient evidence. The disputant workman has filed photostat copies of port entry permits of Paradip Port Trust from 20-2-2007 to 26-10-2007 missing for certain period in between them. The 1st Party-Management does not deny the fact that the disputant workman has obtained the gate pass on the recommendation of the officer using the vehicle, but its contention is that mere possessing of vehicle entry pass does not ipso facto confer a status as a workman of the 1st Party-Management. That may be true. But at the same time by issuance of entry gate pass the fact of user of the vehicle for the purpose and work of the Management comes out to the ground and it cannot be denied that the disputant workman was engaged in connection with the work of the 1st Party-Management. Therefore it is established that the disputant workman was engaged as a driver under the 1st Party-Management. It is not a relevant fact whether Shri S.K. Panda, Deputy Manager or the Branch Manager of the 1st Party-Management has any authority to engage the workman or not. It was for them to answer that the disputant workman was not appointed by the 1st Party-Management but by Shri S.K. Panda, Deputy Manager in his personal capacity and for this the disputant workman cannot be held liable in any way. This issue is decided accordingly.

ISSUE NO. 2

10. Now it has to be seen as to whether the disputant workman has acquired any right or claim to the post of

driver or benefit attached to that post accruing to him under the provisions of the Industrial Disputes Act, 1947 According to the disputant workman he worked with the Management of M/s. J.M. Baxi and Company from 9-1-2007 to 9-12-2007. But he was not given any appointment letter as alleged by him. He was terminated from service on 9-12-2007 in the evening when he demanded permanent stature in service without any notice or retrenchment compensation. He has stated that he had worked from 9-1-2007 to 9-12-2007 for 11 months, but has not filed any documentary evidence to prove the period of service under the 1st Party-Management. His witness Shri Dibakar Panda, W.W.2 has stated in his cross-examination that "I cannot say the date of joining and leaving of the disputant workman". This witness is not an employee of the 1st Party-Management. As such his deposition being hearsay has no evidentiary value. The photostat copies of the Port entry permit also do not establish the fact that the disputant workman had worked throughout the period from 9-1-2007 to 9-12-2007. The 1st Party-Management has denied the fact that the disputant workman had worked for 240 days in 12 calendar months preceding the alleged date of termination. The burden to prove this fact lies on the disputant workman and simply his oral submission does not suffice to prove this fact. Thus no right or claim accrues to the disputant workman under the provisions of the Industrial Disputes Act, 1947 to claim reinstatement in service or any retrenchment compensation or prior notice for termination of service. Hence the action of the 1st Party-Management in terminating the services of the 2nd Party-workman cannot be put in question and that is to be held legal and justified. This issue is decided in favour of the 1st Party-Management.

ISSUE NO. 3

11. In view of the findings recorded above the disputant workmen is not entitled to any relief claimed.

12. The reference is answered accordingly.

Dictated & Corrected by me,

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2809.—औद्योगिक विवाद अधिनियम, 1947 (1947

का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार न्यू बंगलौर पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 69/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-45011/6/2006-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2809.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 69/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of New Mangalore Port Trust and their workmen, received by the Central Government on 9-9-2011.

[No. L-45011/6/2006-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 3rd August, 2011

Present : Shri S.N. Navalgund, Presiding Officer

C.R. No. 69/2007

I Party	II Party
The General Secretary, New Mangalore Port Staff Association, Near NMPT Admn. Office Building, Panambur, Mangalore-575 010	The Chairman, New Mangalore Port Tust, Panambur, Mangalore-575 010

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947(14 of 1947) has referred this dispute vide order No. L-45011/6/2006-IR(B-II) dated 7th June, 2007 for adjudication on the following Schedule :

SCHEDULE

“Whether the action of the management of New Mangalore Port Trust in recovering the Home Town Concession Advance of Rs.5,280 made to Smt. Y. Chandramathi with penal interest, vide their O.M. No.17/2/2005/MDN-3 dated 13-1-2005 is legal and justified? If not, what is the amount she is entitled for?”

2. After receipt of the reference pursuant to the notices issued by this tribunal Shri R. Upadhyaya, advocate filed his appearance for the second party, whereas, General Secretary of the first party union appeared and taken several adjournments to file the claim statement and on 13-6-2011 Shri D.R.V. Bhat, advocate filed memo signed by the General Secretary of the first party union dated 31-5-2011, wherein it is stated the disputed reference being taken up for an amicable

settlement by the Chairman, New Mangalore Port Trust the union is not pressing the dispute. Since the memo was presented by Shri D.R.V. Bhat, Advocate and not by the General Secretary in person it was posted on 27-7-2011 at Mangalore camp with a direction to Shri D.R.V. Bhat, Advocate to instruct the General Secretary to appear in person and to confirm the contents of the memo. On 27-7-2011 there was no representation from the first union and the counsel for the second party alone appeared and submitted that he has no objection to close the reference as requested by General Secretary of the first party union by his memo dated 31-5-2011. Since the General Secretary of the first party union inspite of instructing the advocate filing the memo to appear in person at Mangalore Camp on 27-7-2011 and to confirm the contents of the memo he having failed to appear taking that he has no mind to pursue the reference and contents of the memo filed by him through Shri D.R.V. Bhat as true and correct the reference has been closed.

3. In view of the memo filed by the General Secretary of the first party union received on 13-6-11 through Shri D.R.V. Bhat, Advocate the reference is rejected as not pressed for amicable settlement by the first party union with the second party management.

(Dictated to PA transcribed by her corrected and signed by me on 3rd August 2011).

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

S.O. 2810.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, विशाखापट्टनम पोर्ट इंस्ट के प्रबंधतांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 45/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-34011/8/2006-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2810.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 45/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure in the Industrial Dispute between the management of Visakhapatnam Port Trust and their workmen, received by the Central Government on 9-9-2011.

[No. I-34011/8/2006-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present:

Shri VED PRAKASH GAUR,
Presiding Officer

Dated the 21st day of July, 2011

Industrial Dispute No. 45/2007

Between:

The General Secretary,
Janata Port & Dock Employees Union,
D.No.21-30-18, Punja Junction,
Chengalarao-Peta,
Visakhapatnam - 530 002 ... Petitioner

AND

The Chairman,
Visakhapatnam Port Trust,
Port Area,
Visakhapatnam -530035 ... Respondent

APPEARANCES:

For the Petitioner : Sri A. Madhusudhana
Rao, Advocate

For the Respondent : M/s. Alluri Krishnam Raju,
G. Dinesh Kumar &
N. Santhosh Reddy, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-34011/8/2006-IR(B.II) dated 31-8-2007 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Visakhapatnam Port Trust and their workman. The reference is,

"Whether demand of the Janata Port & Dock Employees Union, Visakhapatnam for regularization of services of S/Shri V. Tata Rao, Keyam and 16 other workmen (as per list annexed) from their date of casual employment with all service benefits by the management of Visakhapatnam Port Trust is legal and/or justified? If so, to what relief the concerned union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 45/2007 and notices were issued to the parties.

2. Petitioner union called absent for several occasions from first date of hearing. The case is fixed for filing of claim statement and documents on 21-7-2011. Petitioners' counsel present and stated that he has no instruction from Petitioners to pursue the case. In light of statement of counsel for Petitioners it appears that Petitioner union is not interested to pursue the case. The

case is pending for more than three years for filing of claim statement as such, in absence of claim statement, a Nil Award is passed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 21st day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

**Witnesses examined for
the Petitioner**

Nil

**Witnesses examined for
the Respondent**

Nil

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2811.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतत्र के सबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/25 ऑफ 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/192/2005 आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2811.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-2/25 of 2006) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 9-9-2011.

[No. L-12011/192/2005-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO.2. MUMBAI**

PRESENT:

K.B. KATAKE,
Presiding Officer

REFERENCE NO.CGIT-2/25 of 2006

**EMPLOYERS IN RELATION TO THE MANAGEMENT
OF**

CENTRAL BANK OF INDIA

The Deputy General Manager
Central Bank of India
Central Office
Chander Mukhi
Nariman Point
Mumbai-400 021.

AND

THEIR WORKMEN,

The General Secretary
Mumbai Port Trust General Workers Union
Kavarana Building, 1st floor
26/4, P.D'melio Road
Wadi Bunder
Mumbai 400 009.

APPEARANCES:

For The Employer : Mr. L.L.D'Souza
Representative.

For The Workmen : Mr. V. Narayanan,
Advocate.

Mumbai, dated the 12th July 2011.

AWARD

The Government of India, Ministry of Labour & Employment by its Order No. L-12011/192/2005-IR (B-II), dated 17-05-2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“Whether the action of the management of Central Bank of India, Central Office, Mumbai in not regularizing the services of S/Sh V.I. Pushparaj, S. Vijay Kumar, Balwant Vanjari, Chiman Solanki and Raju Kosambia, Drivers is justified? If not, what relief these employees are entitled to?”

2. After receipt of the reference, both the parties were served with notices. In response to it, both the parties appeared before the Tribunal. On 01-12-2008, out of 5 workmen the 4 workmen filed their purshis at Ex-8, 9, 10 & 11 and have withdrawn their claims. They were Shri V.I. Pushparaj, Shri B.J. Vanjari, Shri C.D.Solanki & Shri R.F. Kosmabia. Their names were deleted from the reference. Thereafter the matter was adjourned on number of times for evidence of the second party union. However till date no affidavit is filed by the union. On 8-7-2011, union filed application for withdrawal of the matter even in respect of the 5th workman. Therefore, reference deserves to be dismissed for want of prosecution. Thus I proceed to pass the following order :

ORDER

The reference stands dismissed for want of prosecution. No order as to cost.

Date: 12-7-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2812.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधनत्र के सबद्वं नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 9/2010-11) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/47/2010-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2812.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 9/2010-11) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-12012/47/2010-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,

NAGPUR

No. 9/2010-11

Date	Exhibit No.	Progress
(1)	(2)	(3)
07/8-8-11	O	The petitioner is absent on calls. No step has been taken by the petitioner none also appears on behalf on the petitioner. Advocate for the Bank is present Perused the record. On the previous Date i.e. on 13-7-2011, a last chance was given to the petitioner to file the statement of claim. Inspire of the same, no statement of claim is filed. It appears form record that the

(1)	(2)	(3)
		<p>petitioner does not want to prosecute the case. Hence, it is necessary to pass a "no dispute award". Accordingly it is ordered:—</p>
		<p>The reference be treated as "no dispute award". The reference is desposed of accordingly.</p>

J. P. CHAND, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2813.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 22/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/4/2006-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2813.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/22/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the Industrial Dispute between the management of State Bank of India, Zonal Office, State Bank of India, Personnel Department, and their workmen, received by the Central Government on 9-9-2011.

[No. L-12011/4/2006-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE SHRI J.P.CHAND, PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/22/2007

Date : 26-8-2011.

Party No. 1(a) : The Dy. General Manager,
State Bank of India, Zonal Office,
S.V. Patel Marg, Kingsway,
Nagpur-1 (MS)

(b) : The General Manager,
State Bank of India,
Personnel Department,
16th Floor, Corporate Centre, Madam,
Cama Road, PB No.12, Mumbai-21 (MS)

Versus

Party No. 2 : The Asstt. General Secretary,
State Bank Karamchari Sena,
C/o State Bank of India, Main Branch,
S.V. Patel Marg, Kingsway, Nagpur-1
(MS)

AWARD

(Dated : 26th August, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of State Bank of India and their Union State Bank Karamchari Sena, for adjudication, as per letter No. L-12011/4/2006-IR(B-I) dated 8-2-2007, with the following schedule :—

"Whether the action of the management of State Bank of India through its General Manager, Personnel Department, Mumbai and the Dy. General Manager, Nagpur in not including the Kamptee Branch in Nagpur Centre for the purpose of redeployment/transfer policy in respect of employee of State Bank of India is legal and justified? If not, what relief to the Union i.e. State Bank Karamchari Sena, Nagpur entitled to?"

2. Being noticed, the union, "State Bank Karamchari Sena", ("the union" for brevity) filed the statement of claim and the management of State Bank of India, ("Party No. 1" in short) filed the written statement.

3. The case of the union as projected in the statement of claim is that it is a registered union and several workmen working with the party No. 1 are its members and party No. 1 is a nationalized Bank and the service conditions of the employees working with party no. 1 are governed by Desai and Shastri Awards and as the party No. 1 is a commercial establishment as defined under the Bombay Shops and Establishment Act, the Standing Orders are also applicable to the party no. 1 and as there is no legally recognized union, all the trade unions stand in the same footing and the appointment to the various posts were and are made as per Rules and on 15-1-2005, the party No. 1 issued a circular on redeployment/transfer policy of employees and as per the said circular, redeployment/transfers are to be done on the basis of longest stay at a branch or a centre, in other words, first to come will be the first to go and in view of the same, a combined seniority list of employees working in a centre is to be prepared and "centre" is defined in the circular, as a town or city up to

the municipal limit or an urban agglomeration or a territorial area as per census of India, where same salary and allowances including HRA and CCA are payable and in the light of the circular, Kamptee is part of agglomeration area of Nagpur and in view of the same, there should be common seniority list of employees working in Nagpur and Kamptee branches and as per the Government notification dated 22-10-1980, Kamptee is a part of agglomeration of Nagpur, but the party No. 1 did not follow the guidelines and the Chief Manager (Personnel and HRD) at Nagpur prepared a seniority list, for implementing the redeployment/transfer policy excluding Kamptee branch, though included Hingna Industrial Branch and there was representation by it (union) against the same, as per its letter dated 13-8-2005 and some employees, who were working at Nagpur since 1979 had been transferred to Kamptee Branch in the year 1997, but after eight to nine months, they were brought back to Zonal Office, Nagpur by way of transfer in the year 1998 and the said employees had already put in 26 years of service and as Kamptee branch comes under Nagpur agglomeration, their seniority, should have been counted from 1979, but their seniority was wrongly counted from 1998 i.e. the year in which, they were transferred to Nagpur from Kamptee and there was no justification for preparing the combined seniority list of employees working at Nagpur excluding Kamptee especially when the same CCA and HRA are being paid to them.

The union has prayed to hold the action of party No. 1 in not including Kamptee Branch in Nagpur Centre for the purpose of redeployment/transfer policy in respect of employees of State Bank of India is illegal and unjustified.

4. The party No. 1 in its written statement has pleaded interalia that on analysis of the expression "centre" as mentioned in the circular, it is very explicit that any of the geographical area falling under the five clauses i.e. (i) a town or city up to municipal limit, (ii) urban agglomeration, (iii) or territorial area as per the census of India where the same salary and allowance including HRA and CCA are payable, (iv) a territory defined by the Government as project area and (v) or area defined for development like National Capital Territory can be treated or constituted as a separate "centre" by the Bank at its sole discretion and depending upon the administrative exigency and it is the discretion of the Bank to either treat the geographical area of a town up to municipal limits as a separate centre or to treat the city or town upto the municipal limits plus the urban agglomeration is a centre and as such, the party No. 1 was in its absolute discretion to treat Nagpur city and Kamptee town as separate centre for the purpose of the aforesaid circular and there is no warrant to take the interpretation of the expression "centre" to cover the city of Nagpur upto the municipal limits and also the area falling

under the municipal area of Kamptee town or to treat Kamptee as a part of Nagpur urban agglomeration and Kamptee town, whether falls under an urban agglomeration or not can always be treated as a separated centre and Kamptee is having its separate municipal council and Nagpur is having its own municipal corporation and under the said circumstances, the Bank can very well within its discretion to treat Kamptee town and Nagpur city as separate centre for transfer policy circular.

It is also pleaded by the party No. 1 that the Bank is not a commercial establishment as defined under the Bombay Shops and Establishment Act and the said Act is not applicable to the Bank and the making of very reference by the Government is also null and void, for the simple reason that there is no industrial dispute, within the meaning of Section 2(K) of the Act and the present issue is not one of the issues mentioned in the relevant schedules of the Act and as such, the reference is liable to be rejected.

5. In support of their claim, the union has examined, Santosh Kamalprasad Morraya, the Deputy General Secretary, as a witness. No oral evidence has been adduced on behalf of the party No. 1.

The witness for the union in his examination-in-chief, which is on affidavit, has reiterated the facts mentioned in the statement of claim. It is to be mentioned here that the witness has also stated that the redeployment/transfer policy has been introduced by the party No. 1, without consulting the union and as there is no recognized union by the Ministry of Labour, it was obligatory upon the party No. 1 to give notice of the change and the service conditions of the employees cannot be changed unilaterally. However, such statement cannot be considered, as such a plea has not been raised in the statement of claim and such dispute was not raised by the union.

In his cross-examination, this witness has admitted that they accepted the circular and SBI Staff Union is a majority union in the SBI management and being majority union, the same is the recognized union and all the settlements are done with the All India SBI Federation by the SBI management and there is no need for the management to consult their union i.e. "State Bank Karmachari Sena". He is also admitted that Kamptee is a town having municipal council and have its own municipal limit and Nagpur is a city having a corporation and Kamptee and Kamptee Cantonment are under separate Tahasil, Kamptee and Kamptee Branch of SBI comes within the jurisdiction of Region No. 2 and Kamptee centre is different from Nagpur centre for officer and other staff and there is a separate waiting list prepared for the purpose of transfer

from Kamptee to Nagpur or from Kamptee to other places and if any employee goes to Kamptee or comes from Kamptee, he is being paid halting allowances and transfer allowance and Kamptee is situated at a distance of 16 Kms from Nagpur.

6. During the course of argument, it was submitted by the learned advocate for the union that from the circular dated 15-1-2005, it is clear that there should be a common seniority list of employees working in Nagpur and Kamptee branches and the Government of Maharashtra by resolution dated 6-3-1980 included Kamptee in Nagpur city agglomeration, but party no. 1 prepared the seniority list including Hingna Industrial branch but excluding Kamptee branch, which is illegal and contrary to evidence on record.

7. On the other hand, the learned advocate for the party No. 1 in the written notes of argument has reiterated the stands taken in the written statement.

8. It is necessary to mention here that though the witness for the union in his evidence has stated that Kamptee is included as an agglomeration of Nagpur as per page-5 (page five) of the notification of the Government resolution dated 6-3-1980, on perusal of the said resolution, the copy of which has been filed by the union as Annexure-II, it is found that there is no page 5 in the said resolution and two sheets of page No. 4 have been appended to the same. So there is no document on record to show that Kamptee is in Nagpur city agglomeration.

It is also necessary to mention here that though the union has taken a general plea that some employees, who were working in Nagpur since 1979 were transferred to Kamptee Branch in the year 1997 and after eight to nine months, they were again transferred to Zonal Office, Nagpur in the year 1998 and all those employees have already put 26 years of service and as Kamptee branch comes under Nagpur, their seniority should have been counted from 1979 instead of 1998, neither the union has mentioned a single specific case or name of such employees in the statement of claim nor adduced any evidence in that respect. Moreover, there is no pleading at all that due to preparation of the seniority list by the party No. 1 excluding Kamptee branch of S.B.I., there was any loss or injury caused to the union or its members were affected so as to raise the dispute.

9. The most important point for consideration is whether the party No. 1 was bound to prepare the seniority list including Kamptee branch, in view of the definition of "centre" as mentioned in the circular issued by the Bank on 15-1-2005. For better appreciation, I think it necessary

to mention the definition of "centre" as mentioned in the said circular, which reads as follow:

"Centre" for purposes of these guidelines has been defined as under:

"Centre is town or city up to municipal limits or an urban agglomeration or a territorial area as per census of India, where the same salary and allowances including HRA and CCA are payable. It also includes a territory notified by Government as project area or an area defined for development like National Capital Territory etc."

On analysis of the definition, it is found that the word "or" is there in between the clauses and the clauses are not joined by the word "and". On critical analysis of the definition of "Center", the following situations are founds.

Centre means :

- (a) a town or city up to municipal limits or
- (b) urban agglomeration or
- (c) territorial area as per the census of India where the same salary and allowances including HRA and CCA are payable or
- (d) a territory defined by the Government as project area or
- (e) an area defined for development like National Capital Territory etc.

So, I find force in the contention raised by the party no.1 that any of the geographical area falling under particular description i.e. (a) or (b) or (c) or (d) or (e) can be treated or constituted as a separate centre by it (Bank), at its sole discretion, depending upon the administrative exigency.

In view of the definition of "Centre" and the discussion made above, it is found that no illegality was committed by the party no.1 in preparing the seniority list excluding Kamptee branch, for implementation of the circular. Hence, it is ordered:

ORDER

The action of the management of State Bank of India through its General Manager, Personnel Department, Mumbai and the Dy. General Manager, Nagpur in not including the Kamptee Branch in Nagpur Centre for the purpose of redeployment/transfer policy in respect of employee of State Bank of India is legal and justified. The union i.e. State Bank Karamchari Sena, Nagpur is not entitled for any relief.

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2814.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधन पर के संबंध निवेशकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुंबई के पंचाट पार्ट-II (संदर्भ संख्या सीजीआईटी-2/64 ऑफ 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/94/2007-आईआर (वी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 9th September, 2011

S.O. 2814.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award, Part-II, (Ref. No. CGIT-2/64 of 2007) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 1-9-2011.

[No. L-12012/94/2007-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K. B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/64 of 2007

EMPLOYERS IN RELATION TO THE MANAGEMENT OF

DENA BANK

The General Manager (P & A) Dena Bank,
Bandra Kurla Complex Bandra (E),
Mumbai-400 053.

AND

Their Workman
Shri Jatin Joshi Textile Society,
34, Veer Desai Road, Andheri (W),
Mumbai-400 053.

APPEARANCES:

For The Employer : Ms. P.S. Shetty, Advocate.
For The Workmen : Mr. N.S. Paranjape, Advocate.
Mumbai, dated the 27th July, 2011.

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No. L-12012/94/2007-IR (B-II), dated 28-11-2007 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Dena Bank, Bandra Kurla Complex, Mumbai in dismissing the services of Shri Jatin Joshi, Special Assistant w.e.f. 15-7-1999 is justified? If not, what relief Shri Jatin Joshi is entitled to?"

2. The second party workman herein was recruited as Clerk in first party Bank. Lastly he was promoted as Special Assistant. In the year 1992, first party Bank introduced voluntary retirement scheme alongwith pension benefits. The workman had opted for pension in the year 1992. However later on he learnt that he was not entitled for full pension on VRS as he has not completed 28 years of service. Therefore, he did not apply for VRS. However in December 1995, he applied for VRS w.e.f. January 1996 alongwith full pensionary benefits. The application was made well in advance. However he did not get any intimation about the same.

3. In February 1996, Personnel Dept. of the management informed the second party workman that his application for VRS was sanctioned and letter was posted. Second party was to be relieved from 17-3-1996. Therefore according to the second party he proceeded on leave from 6-3-1996 onwards. He had gone to Delhi. He completed his work on 31-3-1996 at Delhi. He was under impression that his VRS was sanctioned. Therefore, he did not join his duties.

4. When he was at Delhi, Bank's letter dt. 8-4-1996 was received at his residence contending that his VRS application was rejected. However he could not leave Delhi immediately due to his personal problem. He did not receive any correspondence at Delhi from the Bank calling upon him to join his duties. In June he received showcause notice making certain allegations. Workman explained orally all the facts to the authority concerned. However nothing was informed to him till 1998. The management official had developed an attitude against the workman so they had decided to throw him out of employment by hook or crook.

Therefore in December 1996 they implicated him in a criminal case. Police arrested him and he was behind bars for 14 days. After he was released on bail, he tried to contact Bank so as to know why such mischief was played with him. But nobody explained him about the same. In the said criminal case filed by the Bank, Ld. Magistrate convicted the second party. However the said order was reversed by Sessions Court. The first party has planned to remove the workman. Therefore they issued chargesheet dtd. 15-5-1998 alleging that second party workman was absent unauthorisedly and has committed fraud. The chargesheet was false and bogus. The IO conducted inquiry. On the basis of his inquiry report, the services of workman was terminated. Therefore workman has raised the industrial dispute.

5. After receipt of the reference from Ministry, my Ld Predecessor has treated issue No. 1 & 2 as preliminary issues. In Part-I award my Ld. Predecessor held that inquiry was fair and proper and findings of the Inquiry Officer are not perverse. According to the second party workman, the punishment is very harsh and disproportionate to the alleged misconduct. Therefore he prays that the punishment of termination of his services be set aside and he be reinstated with full backwages.

6. According to the first party management, the workman was absent unauthorisedly for long period. He has also committed fraud. Therefore the punishment of termination of service is just and proper. Following are the issues for my determination. I record my findings thereon for the reasons to follow :

Sr. No.	Issues	Findings
3.	Whether the punishment is proportionate.	Yes.
4.	Whether second party is entitled to the relief sought for?	No.
5.	What order?	As per final order.

REASONS

Issues Nos. 3 & 4:

7. As inquiry and findings are held fair and proper in part-I Award, now the only question for my determination is whether the punishment is proportionate to the alleged misconduct. In this respect, the fact is not disputed even by the second party that he was absent since March 1996. The Bank vide its letter dated 8-4-96 informed the workman that his application

for VRS was rejected. Thereafter he did not attend his duties for about two years. Therefore the disciplinary authority of first party had issued chargesheet dtd. 13-5-1998. In short it is a fact that the workman was absent from duty for more than two years. According to him, he did not attend his duties as he had gone to Delhi and he was under the impression that his application for VRS was sanctioned. However his plea is not acceptable as a person is not expected to be under wrong impression for years together. It is not a question of few days or couple of months, but he was absent continuously for two years. The reason for his absence seems that an offence was registered against him under Sec. 420, 467, 468 and 471 IPC for cheating and forgery etc. However the said criminal case was not the subject matter of the inquiry. So, also it has no concern with this reference. The only point before me is whether the punishment of termination of service is proportionate to the misconduct of long absenteeism of two years.

8. In respect of adequacy of punishment, time and again Apex Court has held that punishment of dismissal from service is justified for the misconduct of habitual and unauthorized continuous absence. The Hon'ble Apex Court in **Chairman and M.D. V.S.P. & Ors. V/s. Goparaju Sir Prabhakara Hariraju 2008 II LLJ 645 (SC)** observed that :

“Punishment of removal from service for habitual unauthorized and continuous absenteeism is justified. High Court cannot reverse the punishment on the ground of sympathy or sentiment.”

The same ratio is laid down by Hon'ble Apex Court in **L & T Komatsu Ltd. V/s. N. Udaykumar 2008 I LLJ 849**. In the light of ratio laid down by Apex Court, it needs no further discussion to arrive me at the conclusion that punishment of termination for long continuous absence of more than two years is proportionate to the misconduct of the second party workman. Accordingly I decide this issue no. 3 in the affirmative. Consequently I hold that the second party workman is not entitled to the relief sought for. Thus I decide the issue no. 4 in the negative and proceed to pass the following order :

ORDER

The punishment of termination of services of second party is proportionate to his misconduct and it needs no interference. Accordingly the reference stands dismissed.

Date : 27-7-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2815.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कोरपोरेशन, मुम्बई एवं भारत पेट्रोलियम कोरपोरेशन विशाखापट्टनम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 19/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-30012/14/2008-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2815.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2008) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of 1-Bharat Petroleum Corp. Ltd. (Mumbai) 2-M/s. Bharat Petroleum Corp. (Visakhapatnam) and their workman, which was received by the Central Government on 9-9-2011.

[No. L-30012/14/2008-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated the 20th day of July, 2011

Industrial Dispute No. 19/2008

BETWEEN:

The General Secretary,
B.P.C.L. Contract Workers Union (CITU),
H. No. 10-37-24/1, Ram Nagar,
Visakhapatnam- 530 002Petitioner

AND

1. The Chairman-cum-Managing Director,
Bharat Petroleum Corp. Ltd.,
Bharat Bhawan, No. 4 & 6, Currumbhoy Road,
Ballard Estate, P.B. No. 688,
Mumbai- 400 001,
2. The Installation Manager,
M/s. Bharat Petroleum Corp. Ltd.,
Post Box No.213, Near Naval Dockyard,
Visakhapatnam- 530 014Respondent

APPEARANCES:

For the Petitioner : Nil

For the Respondent : M/s. K. Srinivasa Murthy, Vs.
Uma Devi & M.V.L. Narsaiah,
Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L- 30012/14/2008-IR(M) dated 22/25-7-2008 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Bharat Petroleum Corp. Ltd., and their workman. The reference is —

SCHEDULE

“Whether demand of the BPCL Contract Workers Union, Visakhapatnam for reinstatement with full service benefits in respect of their member workman Shri N. Narasimha Raju, Contract workman who was terminated by the management of M/s. Bharat Petroleum Corp. Ltd., Visakha Territory (Retail). Visakhapatnam is legal and/or justified? If so, to what relief the concerned workman is entitled and from which date?”

The reference is numbered in this Tribunal as I.D. No. 19/2008 and notices issued to the parties.

2. Petitioner called absent for several occasions from first date of hearing. The case is fixed for filing of claim statement and documents on 20-7-2011. Petitioner called absent. He has not filed claim statement for about three years as such, the reference stands closed. In absence of claim statement, a Nil Award is passed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 20th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

Nil

Witnesses examined for
the Respondent

Nil

Documents marked for the Petitioner

Nil

Documents marked for the Respondent

Nil

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2816.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कोरपोरेशन, मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय मुम्बई-2 के पंचाट (संदर्भ संख्या 67/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-30012/34/2003-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2816.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 67/2003) of the Central Government Industrial Tribunal/Labour Court No. 2, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corp. Ltd. (Mumbai) and their workman, which was received by the Central Government on 9-9-2011.

[No. L-30012/34/2003-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present: Shri K.B. Katake, Presiding Officer

Reference No. CGIT-2/67 of 2003

Employers in Relation to the Management of Bharat Petroleum Corporation Ltd.

The Managing Director
Bharat Petroleum Corporation Ltd.

Refinery Division
Mahul Chembur
Mumbai-400 074

AND

Their Workmen

Shri Ashok K. Kedare
404, Sayali Apartments
Opp. Hiradevi Mandir
Last Bust Stop Kharegaon
Kalwa
Distt. Thane.

APPEARANCES:

For the Employer : Mr. R.S. Pai, Advocate

For the Workmen : Mr. J.H. Sawant, Advocate

Mumbai, dated the 11th July, 2011

AWARD PART-II

The Government of India, Ministry of Labour & Employment by its Order No.L- 30012/34/2003-IR (M), dated 13-10-2003 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

“ Whether the action of the management of BPCL Refinery in dismissing the services of the workman Shri Ashok K. Kedare for absenteesim w.e.f. 25-3-2002 is legal, proper and justified? If not, to what relief the concerned workman is entitled?”

2. After receipt of reference, both the parties were served with notices. In response to the notice, the second

party workman has filed his statement of claim at Ex-7. According to him, he was employed on 7-1-1982 in the refinery of first party at Mahul in the capacity as a Utility Operator. He was attending his duty regularly and performing his services satisfactorily. Due to peculiar working conditions he started suffering from disease of sleep apnoea. Because of ill health could not be noticed. However the workman was suffering from chest pain, blood pressure and diabetes. He was taking treatment for chest pain, blood pressure and diabetes. However he was not getting relief as they were effects of sleep apnoea. The management was well aware of it. They have also sanctioned medical bills. Due to ill health, he was absent therefore management chargesheeted him. The inquiry officer ignored the reasons of absence assigned by the workman and he held him guilty of misconduct. Finally the management by its order dated 25-3-2002 discharged the workman from service with effect therefrom.

3. The workman could not attend his duties due to severe illness. The IO did not consider these facts. Now the workman is fit to resume his duties. He deserves help, sympathy co-operation from the management. His rehabilitation also is desirable. The findings of the IO are perverse. Therefore the workman prays that the order of discharge dated 25-3-2002 be declared illegal, improper and unjustified and also prays for direction to the management to reinstate the workman with full backwages.

4. The first party management resisted the statement of claim vide its written statement at Ex-8. According to them, the workman was chargesheeted on 21-12-2001 for unauthorisedly absence for a long period. Domestic inquiry was held against the workman. He attended and participated in the inquiry. The workman pleaded guilty to the charges leveled against him. On the basis of oral, documentary evidence and plea of the workman, the IO held the workman guilty of the charges of misconduct. The report and findings were communicated to the workman. He failed to make any representation there against. Therefore on the basis of findings of IO, the disciplinary authority vide its order dt. 25-3-2002 discharged the workman from the service of the Corporation. The order of discharge/termination is in consonance with the well settled principle of industrial law and needs no interference. Therefore they pray that the reference be dismissed with cost.

5. In part-I award, my Ld Predecessor has held that the inquiry was fair and proper. He also held that the findings of Inquiry Officer were not perverse. In this part-II award following are the issues for my determination.

Issues	Findings
3. Whether the punishment of discharge from service is adequate?	Yes
4. Whether the second party is entitled for reinstatement?	No
5. What order?	As per final order

REASONS

Issues Nos. 1 & 2 :

6. In this respect, I would like to point out that the workman has not disputed the fact that he was absent from January, 2001 to November, 2001. In short he was absent for about 10 to 11 months continuously. The workman has also admitted in his cross-examination Ex-15 that he was also punished for absenteeism after giving chargesheets dt. 27-5-96, 7-7-97, 17-11-1997, 12-10-1999, 29-5-2001. In short the fact is not disputed even by the workman that he was rightly held guilty for absenteeism.

7. In respect of adequacy of punishment, time and again Apex Court has held that punishment of dismissal from service is justified for the misconduct of habitual and unauthorized absence. The Hon'ble Apex Court in Chairman and M.D. VSP & Ors. V/s. Goparaju Sir Prabhakara Hariraju 2008 II LLJ 645 (SC) observed that :

"punishment of removal from service for habitual unauthorized and continuous absenteeism is justified. High Court cannot reverse the punishment on the ground of sympathy or sentiment."

The same ratio is said down by Hon'ble Apex Court in L & T Komatsu Ltd. V/s. N. Udaykumar 2008 I LLJ 849. In the case at hand the workman was unauthorisedly absent from duty for more than 10 months for which he was charged. He was also punished earlier for the same charge of absenteeism. In the circumstances, the punishment of dismissal from service of the workman Ashok Kedare cannot be said disproportionate or inadequate. Thus I come to the conclusion that the punishment of dismissal is adequate. Accordingly, I decide this issue No. 3 in the affirmative. Consequently question of reinstatement of the workman does not arise. Therefore, I decide this issue No.4 in the negative and proceed to pass the following order :

ORDER

- (1) Punishment of dismissal is adequate.
- (2) The reference stands dismissed with no order as to cost.

Date : 11-07-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2817.—ऑटोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार गोदावरी सेन्ट्रल इन्स्ट्रीशल वर्कर्स मेनेजेंस सर्विस कॉर्पोरेटिव एवं ओ. एम. जी. सी. लिमिटेड कृष्ण गोदावरी प्रोजेक्ट के प्रबंधितांत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंश भें नियिट औटोगिक विवाद में केन्द्रीय सरकार औटोगिक अधिकरण/अम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 91/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-30011/39/2004-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2817.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 91/2004) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure in the industrial dispute between the employers in relation to the management of 1-President Godavari Central Industrial Workers Maintenance Service Co-op Society 2-ONGC Ltd Krishna Godavari Project and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-30011/39/2004-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present: Shri Ved Prakash Gaur, Presiding Officer

Dated the 4th day of July, 2011

Industrial Dispute No. 91/2004

BETWEEN:

Sri B. Balakrishna Reddy,
C/o P. Satyanarayana,
D. No. 12-20-30, Aryapuram,
Rajahmundry,
East Godavari Dist.

....Petitioner

AND

1. The President,
Godavari Central Industrial Workers
Maintenance Service Co-op. Society
Ltd., D.No. 56-10-2, Vidyanagar,
Rajahmundry, East Godavari district.
2. The Additional Executive Director,
ONGC Ltd., Krishna Godavari Project,
Godavari Bhavan, Base Complex,
Rajahmundry- 533216

....Respondent

APPEARANCES:

- | | | |
|--------------------|---|--|
| For the Petitioner | : | Sir William Burra, Advocate |
| For the Respondent | : | M/s. J.D. Satyavathi, Advocate
for R1 M/s. K. Venkata Rao
& G. Rama Subba Rao,
Advocates for R2 |

AWARD

The Government of India, Ministry of Labour by its order No. L- 30011/39/2004-IR(M) dated 25-6-2004 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of ONGC Ltd., and another and their workmen. The term of reference is as under :

SCHEDULE

"Whether M/s. Oil & Natural Gas Corporation Ltd., Krishna-Godavari Basin is the actual employer in

respect of the workmen S/Shri B. Balakrishna Reddy & 110 Others (As per List)? If yes, whether the action of the said management in terminating their services w.e.f. 30-6-1997 is legal and/or justified? If not, to what relief the concerned workmen are entitled?"

The reference is numbered in this Tribunal as I.D. No. 91/2004 and notices were issued to the parties.

2. Petitioner filed claim statement stating therein that Respondent No. 2 is a society formed in the year 1987 at the instance of Respondent No. 1. Petitioners are the members of Respondent No. 2 society and were engaged by Respondent No. 1 as security guards, supervisors etc. w.e.f. 1-10-1987 and Respondent No. 1 used to extend the contract till 30-6-1997. Thereafter Respondent No. 1 has given total contract to Ex. Servicemen Society. Respondent No. 2 has taken up the cause and filed WP No. 12190/1997 before the Hon'ble High Court of A.P. wherein the Hon'ble High Court has directed the Respondent No. 2 to agitate at an appropriate forum. Hence, this reference before this Tribunal. The Petitioner pray this Tribunal to direct the Respondent No. 1 to reinstate the Petitioner with full back wages from the date of termination that is, 1-7-1997, with continuity of service and all other attendant benefits etc.

3. When case is fixed for filing of counter and documents by Respondents proceedings were stayed by Hon'ble High Court of A.P. Hyderabad vide order in W.P. 9483/2005 dated 26-4-2005. Later in view of orders of Hon'ble High Court of A.P. Hyderabad dated 17-4-2008 directing to proceed with case but not to pass final order, parties were informed accordingly.

4. While so, on 4-7-2011 order of Hon'ble High Court dated 6-7-2010 passed in W.P. No. 9483/2005 was placed before this Tribunal holding that reference is bad and industrial dispute is not maintainable. Accordingly, this industrial dispute is held to be not maintainable, as such, 'Nil Award' is passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 4th day of July, 2011.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for
the Petitioner

NIL

Witnesses examined for
the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2818.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफल एण्ड

नेचुरल गैस कॉरपोरेशन लिमिटेड एवं नौ अन्य मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 2/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-30015/8/2002-आईआर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2818.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2003) of the Central Government Industrial Tribunal/Labour Court, No.-2, Mumbai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Corporation Ltd. & 9 Ors. Mumbai and their workmen, which was received by the Central Government on 9-9-2011.

[No. I-30015/8/2002-IR (M)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI
PRESENT : K.B. KATAKE, Presiding Officer
REFERENCE NO. CGIT -2/2 of 2003 EMPLOYERS IN
RELATION TO THE MANAGEMENT OF OIL AND
NATURAL GAS CORPORATION LTD & 9 ORS.

- (1) The Group General Manager HR/ER Head (P & A)
Oil & Natural Gas Corporation Ltd. Mumbai Region
201, Vasudhara Bhawan,
Bandra (East),
Mumbai 400 051.
- (2) M/s. Neelam Agencies,
20/Ellora Abhinav Milind Society,
Shivshrushti, Kurla (E),
Mumbai 400 022.
- (3) M/s. D.N. Engineering Works,
A-1/7, Yogantak Housing Society Opp.
Jari mari Mandir, Sukapur Panvel-410206.
- (4) M/s. Industrial Security Guards Services Pvt. Ltd. Gautam Terrac, Basement No. 1 & 2, M.G. Road, Naupada Thane 400 602.
- (5) M/s. Polydrill Engineers Pvt. Ltd.,
124, Damji Shamji Udyog Bhavan,
Veera Desai Road,
Andheri (W),
Mumbai 400 053.

- (6) M/s. Acumen Engineers,
Shop No.72, Plot No. 51,
Sector-15, CBD,
Navi Mumbai 400 614.
- (7) M/s. S.S.Constructions,
12, Nishant Shopping Centre,
Seven Bungalows,
Andheri (W),
Mumbai 400 053.
- (8) M/s. Classcs Engineers,
Building No. 17, Block No. 577,
Chembur Colony,
Mumbai-400074.
- (9) M/s. Loyds Projects Pvt. Ltd.,
904 to 906, Windsor Plaza,
R.C. Dutt Road, Alkapuri,
Baroda-390005.
- (10) M/s. Supreme Construction,
JN-1, 18-A2, Sector-9,
Vashi, Navi Mumbai 400 703.

AND

THEIR WORKMEN

The General Secretary
ONGC General Kamgar Sanghatana,
B/7, Municipal Colony,
Agarwada, Sion,
Mumbai 400 022.

APPEARANCES :

For the Employer No. (1) :	Shri G D.Talreja Representative.
Employer Nos. (2 to 10) :	No appearance
FOR THE WORKMEN :	Shri Abhay Kulkarni, Advocate.

Mumbai, dated the 1st July 2011.

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. L-30015/8/2002-IR (M), dated 21-06-2002 in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

- (1) "Whether the contract between Oil and Natural Gas Corporation Ltd. (ONGC) and the existing contractor/s is a sham and bogus one and is a camouflage to deprive the concerned employees represented by the petitioner herein of benefits available to permanent workmen of ONGC?"

- (2) "Whether the workmen represented by the petitioner - Union herein, employed through the contractor/s by ONGC should be declared as permanent workmen of ONGC?"
- (3) "What are the wages and consequential benefits to be paid to the concerned employees?"

2. After receipt of the reference from the Ministry, in response to the notices both the parties appeared through their representatives. The second party union has filed its statement of claim at Ex-6. According to them, the first party is dealing in explore of oil and natural gas in various parts of the country. They are carrying out drilling operations for oil and natural gas for commercial use thereof. It is the only public undertaking company working in the field having monopoly without any competition. The company requires large number of permanent workers at the places of their work including administration offices and establishments at Andheri, Darukhana Stores, Priyadarshini Vasudhara Bhavan, Bandra, Juhu, Bengal Chemicals in Mumbai as well as at Nhava Sheva Uran, Panvel and Bombay High. The works carried out at all these establishments buildings are of permanent and perennial nature. The workers annexed in list Ex. 8-A are employed at all these establishments through sham contractors. All these workers are working with first part. They are paid directly by first party through sham contractors. Even the contribution towards PPF is paid by ONGC. The retirement benefits of contract labourers are paid by ONGC to sham contractors. The union has signed service conditions of the workmen for the period 1-01-1998 to 31-12-2007 granting several benefits to the concerned workers. Infact the said benefits ought to have been paid to all the workers listed at Ex-A. These contract workers are doing the jobs which are essential and necessary and of perennial in nature. Some of the works performed by most of the workmen herein are highly specialized and sensitive in nature. These workers have acquired expertise since they are working there continuously for number of years.

3. The names of contractors are changed in the record. However the workers are the same. First party has not obtained valid registration under Contract Labour Act for employing the workers mentioned in list Ex-A. The contractors also do not possess the requisite license under the Contract Labour Act. In short the contractors are sham and bogus. They are inducted merely to deprive the workmen from getting the benefits of regular employees. Therefore the union had also filed writ petition before Hon'ble Bombay High Court. Division Bench of Hon'ble High Court directed the Labour Commissioner to complete the conciliation proceeding within the stipulated time. As conciliation failed, the Labour Commissioner sent a report to Labour Ministry, The Hon'ble High Court also protected

services of all the workmen concerned for the period of three months. The Hon'ble Court has also directed the Tribunal to decide the reference as expeditiously as possible and before 3-6-2003. However the ministry did not sent the reference to this Tribunal within the stipulated time. The second party union prays for declaration that the employees in list Ex-A be declared as regular employees of first party from the date of their initial appointment and the first party be directed to absorb them in the service from the date of their respective initial appointments. The union also prays that the ONGC be directed to pay the consequential benefits including arrears of wages etc to the respective workers.

4. The first party No.1 ONGC Ltd. has resisted the statement of claim vide its written statement at Ex-26. According to them, the persons in the list Ex-A are not workmen as defined under Section 2 (s) of I.D.Act. There is not master-servant relation between ONGC with them. The second party has not come with clean hands. Their claim is false. ONGC carries out its business situated beyond 12 nautical miles from the baseline and out of territory of India. Therefore this Tribunal has no jurisdiction. The contracts entered into between the ONGC and the contractors are genuine. The Tribunal has no power and jurisdiction to abolish genuine contracts. The reference is bad for non-joinder of concerned contractors as a party to this reference. There were no pleadings in the writ petitions that the contracts between ONGC and contractors are sham and bogus and are camouflage to deprive the workers from getting benefits of permanent workers. On the other hand the second party pleaded therein that the workmen are engaged for the work of permanent and perennial in nature. The work is ordinarily done by regular workmen of ONGC. Therefore they had prayed for declaration that they should be treated direct employees of ONGC. ONGC is required to engage number of independent contractors for rendering specified services in certain areas which are not prohibited under Contract Labour (Regulation and Abolition) Act 1970. The contracts are entered in to by inviting sealed tenders. The high power committee scrutinizes the tenders and work orders are issued, to those who quote competitive rate and in accordance with the rules in this respect. The agreements are signed with the contractors laying down terms with the ONGC. All the contractors submit their monthly bills to ONGC for the services rendered by them. Bills are paid to them. Contractors have obtained licenses. The representatives of the contractors assign the work to the workmen and supervise the work of the workmen engaged by them. The contractors pay wages, advances, bonus and allowances to the workmen. They also used to deduct their PF, Professional Tax, E.S.I. etc. The contractor issue wage slips & identity cards to them. The contractors are independent from ONGC. The contracts are true and genuine.

5. In the writ Petition Hon'ble High Court had given direction to the Central Govt. to make reference. Direction is also given to decide the reference expeditiously and before 30-6-2003. They have denied all the allegations made against them in the statement of claim and contended that the claim of the workmen is false. Therefore they pray that the reference be rejected with cost.

6. First party no. 4 Industrial Guard Services Pvt Ltd, one of the contractors resisted the statement of claim vide its written statement at Ex-39. According to them, it is a private limited company dealing in providing receptionists, security guards for regulating ingress and egress of material, for opening and closing of offices, rooms including all other jobs related to these functions. The reference is not maintainable against the contractor. ONGC has entered into a contract with them for providing receptionist for regulating ingress and egress of men and material at the office of ONGC at various places in Mumbai. Therefore industrial dispute cannot be raised against the contractors. The reference is vague and general in nature. The service conditions and wages of the workers engaged by contractors are quiet fair and reasonable. The second party union has suppressed material facts from the court. Contract with ONGC is genuine. The persons shown in the list are employed by the contractors. Shri J.P.Srivastava is not a workman as defined u/s 2 of I.D. Act. He is serving in a supervisory category and drawing salary Rs. 4275 + 40.6% DA and 20% HRA and other fixed allowances. They denied all the contents in the statement of claim. According to them, all the benefits under MoU have been paid to the employees and averments to that effect in the statement of claim are false. The contractors possesses valid license under Contract Labour Regulation Act. These workmen are employees of the contractor. Therefore the reference deserves to be dismissed. Thus they pray that the reference be dismissed with cost. First parties No. 2, 3, 5 to 10 have adopted the written statement of First party no.1 ONGC.

7. Following are the issues framed by my Ld predecessor for my determination. I record my findings thereon for the reasons to follow :

S. Issues No.	Findings
1. Whether the labour contract between the ONGC and the contractors are sham and bogus and camouflage to deprive the concerned employees from getting the benefits available to permanent workers of ONGC?	Yes.
2. Whether the workmen under reference employed through contractor by ONGC are entitled to the declaration that they are permanent workmen of ONGC?	Yes.

3. What wages and consequential benefits the concerned employees' are entitled to?
 4. What relief the employees are entitled to?

REASONS

Issue nos. 1 & 2 :

8. The Id advocate for the second party workers submitted that, the workers in the list 'A' are working with the first party since last number of years. The jobs of respective workers are of permanent and perennial in nature. The workers claim that they are employees of first party. According to them, the first party has entered into different sham and bogus labour contracts. The workmen are attending various types of works. They are employed by the management. The management verified and satisfied their qualification, eligibility, potentiality for attending the work before they were employed. The company has engaged the contractors as a name lender to show on paper that these employees are contract workers. The labour contracts are sham, bogus and camouflage merely to deprive the workmen from getting benefits of the permanent employees. Therefore, the second party union has prayed for declaration that the contracts between the management and the contractors be declared as sham, bogus and mere camouflage to deprive them from getting the benefits of permanent workmen.

9. In this respect, the Id adv for the first party submitted that neither contract workers can be regularized nor they can be made permanent. According to him, it amounts to backdoor entry in recruiting the employees. He further submitted that by implementation of Contract Labour (Regulation & Abolition) Act (37 of 1970) the contract labourers do not automatically become regular employees. According to him, the labourers engaged by the contractor, for the work of ONGC does not create relationship of master and servant between the labourers and the principal employer.

10. The Id adv for the first party further submitted that before raising this industrial dispute under I.D. Act, the union had approached to Hon'ble High Court in writ petition under Contract Labour (Regulation and Abolition) Act. It presupposes the existence of valid contract. According to him, the second party union now cannot raise inconsistent plea that the contracts are sham & bogus. In support of his argument the Id adv referred the Apex Court ruling in Rashtriya Chemicals & Fertilizer Ltd. and anr V/s. General Employees Association & Ors. 2007 II CLR 701 in para 10 of the judgement the Hon'ble Court observed that :

"As rightly contended by Id counsel for the Appellant once the respondent no.1 Association approached the High Court on the foundation that

the contract Labour (Regulation & Abolition) Act 1970 applied. It presupposes existence of a valid contract. What the writ petitioner (respondent no. 1 herein) wanted was quashment of notification for reconsideration."

11. However in the same para 10, Hon'ble Apex Court further observed that:

"In the instant case the writ petitioner itself accepted that certain issues could not be decided in the writ petition. That being so, High Court giving directions in the nature donec do not appear to be appropriate. We are of the view that the High Court ought not have given the directions in the manner done and should have left the respondent no. 1 Association to avail remedy available in I.D. Act."

In the case at hand, the second party union has not sought any amendment to take inconsistent plea.. Furthermore, in the writ petition they had challenged the earlier contract. Therefore the ratio laid down is not applicable to this case. In this respect the Id adv for the second party union has referred to the recent Apex Court ruling in Sarva Shramik Sangh V/s. Indian Oil Corporation I.td. & Ors. AIR 2009 SC 2355 wherein the workers have filed first petition seeking relief of abolition of contract labour system in operation. When said petition was rejected, they had filed second petition for seeking direction to make reference u/s 10 to decide whether contracts between principal employer and canteen contractor was sham, nominal and mere camouflage to deprive the workers from the benefit of permanency as in the case at hand. The Hon'ble Court on the point observed that :

"Similarly where the workers contended that the contract between principal employer and the contractor was sham and merely camouflage to deny them the benefit of labour laws and if their prayer for relief under CLRA Act is rejected, they can then seek relief under the I.D. Act. The contention of IOC that on account of the dismissal of the first petition, the second petition for a different relief was barred either by principle of res-judicata or by principle of estoppel would be liable to be rejected."

In the light of above ratio laid down by Apex Court, I hold that neither pleading of the union suffers from the defect of inconsistent plea nor it creates bar by principle of estoppel as has been argued on behalf of the first party.

12. Id adv for the first party further submitted that the contract labourers cannot be regularized as they are not recruited by the company. In support of his argument, the Id adv cited Apex Court ruling in The workmen of Food Corporation of India V/s. M/s. Food Corporation of India (1985) II LLJ 4 wherein the Hon'ble Court observed that,

"Workman employed by contractor cannot be the workman of a third party who engages a contractor."

13. The Ld. Adv. in this respect further submitted that the contract labourers cannot be regularized as they are not recruited by following recruitment procedure prescribed therefor. According to him the temporary workmen or contract labourers cannot be regularized merely as they are working for a long period. In support of his argument he has resorted to Apex Court ruling in Secretary, State of Karnataka & Ors. V/s. Umadevi & Ors. 2006 II CLR 261 wherein the Hon'ble Court held that :

"Unless the appointment was in terms of relevant rules, no rights are conferred on the appointee."

In the same judgement, Hon'ble Court also observed that;

"Merely because he is continued beyond his term of appointment does not entitle him to be absorbed in regular service or made permanent."

As against this the Ld. Adv. for the second party union pointed out that, in the case at hand the workmen are not claiming permanency on the ground that they were continued beyond the term of their respective appointments. On the other hand they are claiming that the contracts between the contractors and principal employer are sham and bogus. They claim that, they are skilled workers. Though the contractors were changed after every year or two, the workers working with ONGC are the same. They are working at their respective places, since last number of years. ONGC has signed MoU with union without contractors etc. Therefore the ratio laid down, in the above rulings are not attracted, to the set of acts of the case at hand.

14. The Ld. Adv. for the first party also resorted to Bombay High Court ruling in Airport Authority of India V/s. Indian Airport Kamgar Union and Ors. 2010 III CLR 270 wherein the Hon'ble Court held that.

"When the contract labourers do not come through Employment Exchange, nor they have appeared for any written test and they have no complaint against the contractor who pays them the salary and other benefits and when no chargesheets are issued to them by the principal employer despite its supervision and control, these are all incidents of contracts between these labourers and contractor which contract cannot be termed as sham and bogus."

In the case, at hand the facts are altogether different. The contract workers herein though have not come through Employment Exchange or have not appeared for any written test, most of them are skilled workers. Some of them are crane operators, requires training and certificate of competency. Some workers are working as security guards. They are working with first party for number of years continuously. Some of the contractors have obtained license only to provide receptionist. Such a contractor cannot provide either security guard or crane operators.

The cranes cannot be operated by untrained, unskilled workers. The witness of ONGC has admitted that the workmen are also required to do oiling, greasing and some repairs of the cranes. It cannot be done by untrained or unskilled workers. The MoU was signed by ONGC with the union of workmen wherein contractors were not party. These facts indicate that the contracts between ONGC and the contractors were sham and bogus. In the circumstances, the ratio laid down in the above ruling is not attracted to the case at hand especially when trained workers were appointed after verifying their training certificates as admitted by the witness of ONGC. Verification of training certificate can be said selection of trained workers.

15. The Ld. Advocate for the first party also relied on the landmark ruling on the point reported in Steel Authority of India Ltd. and Ors. V/s. National Union Waterfront Workers and Ors. AIR 2001 SC 3527 wherein the Hon'ble Apex Court observed that:

"Neither Section 10 of the CI.RA Act nor any other provision in the Act, whether expressly or by necessary implication, provides for automatic absorption of contract labour on issuing a notification by appropriate Government under sub-section (1) of Section 10 prohibiting employment of contract labour in any process, operation or other work in any establishment. Consequently the principal employer cannot be required to order absorption of the contract labour working in the concerned establishment."

On the point, the Ld. Adv. for the second party submitted that in same para 122 (5) the Hon'ble Court further observed that;

"If the contract is found to be not genuine but 8 mere camouflage, so the so called contract labour will have to be treated as employees of the principal employer who shall be directed to regularize the services of the contract labourer in the concerned establishment subject to conditions as may be specified by it for their purpose..."

In this respect Ld. Adv. for second party unions rightly pointed out that, it is the specific case of second party union that the labour contracts herein are sham, bogus and mere camouflage to deprive the workers from getting benefits of permanent employees. He further pointed out that though the contractors were changed, the same workers are working for number of years. There was direct supervision of officers of Corporation. The Corporation has entered into MoU with the unions. The Corporation has direct control over the workmen. The permanent workmen are performing the same work as performed by the workmen under reference. The works performed by these workmen are of regular and perennial in nature. Even after notification of abolition of contracts, the workmen

were shown to have continued as contract labourers, which is wholly illegal. All these facts indicate that, the contracts are sham and bogus. The Ld. Adv. for the second party pointed out that the second party union has challenged the labour contracts as sham and bogus and for the declaration to that effect. Their version appears true and correct. In short, the aforesaid ruling does not extend any help to the first party.

16. The Ld. Adv. for the first party also referred few more rulings they are : (1) Umrani V/s. Registrar Co-operative Societies 2004 DGLS 435 (2) Nitin Kumar Nathalal Joshi V/s. ONGC 2002 I CLR 1113 (3) ONGC V/s. Petroleum Employees Union 2003 I CLR 157 (4) ONGC V/s. Delhi Multistoried Building Employees Congress and Ors. LPA 12/1998 with LPA 5 to 8/1998. These rulings are not helpful to the first party they are mere repetition some are on different points. The rulings referred by Ld. Adv. discussed hereinabove suffice the purpose. Discussion of these few more cases would be unnecessary and would be repetition of discussion it would increase the size and pages of the award.

17. The Ld. Advocate for the second party rightly submitted that the workmen herein are working with ONGC for more than 3 to 15 years continuously. As per list of workmen Exh. A, one of the workman is shown to have been working since 1985. Two of them are working since 1989. Four workers are shown to have joined their respective work in 1990 and every year 3 to 4 workers are shown to have joined the work. In the year 1996, some nine workers have joined the work of the company. Only two workers are shown to have joined in the year 2002. The joining dates of respective workers are given in the list Ex-A. These joining dates are not challenged by the management or any witnesses thereof. It indicates that these workers are working with ONGC since last number of years. Some of the workers are working for more than 15 years. The terms and conditions show that they were under ultimate control and supervision of ONGC. Therefore, he submitted that, as the labour contracts are sham and bogus, the workmen are employees of ONGC and deserves to be regularised. In support of his arguments, the Ld. Advocate for the second party resorted to Apex Court ruling reported in Hindalco Industries Ltd. V/s. Association of Engineering Workers AIR 2008 SC 1867 wherein the Canteen employees were working continuously for 10-15 years. The contractors were changed. Neither the workmen were replaced nor fresh appointments were made. On the other hand, same workmen were continued even on the date of the complaint. Taking note of all the facts and circumstances on record, the Hon'ble Apex Court in that case observed that;

"The industrial court is perfectly right in arriving at the conclusion that the evidence coupled with the terms of agreement show that contract is nothing

but paper agreement as stated earlier. Inspite of change of several contractors, neither the workmen were replaced nor fresh appointments were made. On the other hand, same workmen were continuing even on the date of filing of the complaint."

18. In this respect the Ld. Adv. for the second party workmen has further submitted that the workers under reference are doing the work of perennial nature such as crane operators, doing services of technical nature including oiling, greasing, and repairing of cranes. The Ld. Adv. pointed out that MW-1 Anilkumar, Manager HR with ONGC has admitted in his cross-examination at Ex-105, page 26 thereof, says that the crane work is of perennial nature. He further admitted that crane operators appointed by ONGC and the crane operators of contractors do the same job on the same type of cranes. He also admitted that there is difference in the payment of the crane operators of ONGC and crane operator engaged as contract workers. MW-2, N.K. Sonarc, S.E. Production has also admitted that the crane operators of ONGC and crane operators of contractor are working on the same cranes. They do the technical services including oiling, greasing and repairing etc. He further says that engine crane operators require certificate issued by some agency.

19. Some workers are doing the work of security guards through contractor. However the contractor concerned has obtained license only to provide services of receptionists. Under the garb of receptionist, the said contractor is shown to have supplied the security guards. The contractor who has obtained license to supply receptionist infact cannot supply security guards. The first party company does not require any receptionist. This fact also shows that contracts are sham and bogus. The contractors concerned have no authority to supply security guards.

20. Another important fact pointed out by Ld. Adv. for the second party is that the Memorandum of Understanding in respect of payment of these workers was signed by the officials of ONGC. Witness No.1 Mr. Anilkumar has admitted the said fact in his cross at Ex-105 that, the Memorandum of Understanding was signed between ONGC and the union of Transport and Dock Workers. He has admitted that contractors have not signed the Memorandum of Understanding. He further admitted in his cross that contractors also have not signed VRS Scheme. He further says that it was not VRS but Good Will Package to the contract labourers. This witness has denied that, though contractors keep on changing, workers are the same. However the fact is not disputed by the first party that contractors were engaged for every one or two years. Whereas from the list of workers Ex-A, it is revealed that most of the workers are working for more than 3 to 10 years. All these facts show that contracts between ONGC and contractors were sham and bogus. On this point Ld. Adv. for the second party resorted to Bombay High Court

ruling in ONGC Ltd. V/s. Transport and Dock Workers Union & ors. 2007 II LLJ wherein Memorandum of Understanding signed between the parties without intervention of contractors and without contractor being a party thereto and VRS package was given directly by ONGC to the workers without intervention of the contractor. The Hon'ble Court found that these are the *prima facie* evidence to show that contracts are sham and bogus. In addition to it, in the case at hand witness of ONGC Shri Anilkumar in his cross at Ex-105 has not denied, that ONGC can direct the contractor to disengage particular employee. He has also not denied in his cross that, training of crane operation of the cranes used by ONGC is given outside. He has also admitted that the crane work is of perennial nature. All these facts support the version of the second party union.

21. In the light of these facts and the discussions herein above, I come to the conclusion that, the contracts between ONGC and their contractors are sham, bogus and mere camouflage to deprive the workers under reference from getting the benefits of permanent employees. Accordingly, I decide this issue no.1 in the affirmative. The contracts between ONGC and their contractors are held sham and bogus. In this backdrop it needs no further discussion to arrive me at the conclusion that, the workers under reference are infact employees of ONGC and they are entitled to the declaration to that effect. Accordingly, I decide this issue no.2 also in the affirmative.

Issue no. 3 & 4:-

22. In the light of above discussions, it is clear that the workmen under reference are entitled to be declared as permanent employees of ONGC. Consequently I also hold that they are entitled to all the benefits of the permanent employees since the date of their respective appointments. Thus I hold that the reference has to be allowed.

23. Before parting with the judgment, it would not be out of place to point out few reasons of delay to the proceeding which could have been averted. The delay in the court proceedings are being criticized badly from every corner. In this reference, though the point for determination is very short, the record has become very bulky. It took about 7 - 8 years time to dispose of this reference. I would like to observe certain unpleasant facts on record causing delay and leading to waste of time of the parties and court as well. I found there is delay at every stage of the proceeding. It starts from the pleadings. The statement of claim Ex-6 is of 9 pages, whereas the written statement of ONGC Ex-26 is very exhaustive running in to 84 paras and 21 pages. There are number of applications required to be replied by the other side and orders are passed thereon. In addition to that, the Ld. Adv for ONGC is also in a habit of filing applications for "placing some facts on record". Such applications for placing facts on record are neither part of pleading nor they can be read as evidence on record. Infact

such applications cannot be considered and fact narrated therein cannot be taken into account. Inspite of that I noticed that, not only in this proceeding, but also in many other matters same Ld. Adv. for ONGC is in a habit of filing such applications. It amounts to waste of time of the other side and the time of the court as well. According to the Ld. Adv. for ONGC, even the Apex Court has observed in some judgments that the subsequent developments should be taken in to account. Therefore after interval of few months he is in a habit to file such applications placing facts on record. Such applications are time killing. If at all there is any change in the circumstances, it can be considered at any stage of the proceedings. Party can seek amendment for the same. In this proceeding, the Ld. Adv. for first party has filed three such applications which are at Ex-93, Ex-124 & Ex-125 for placing the facts on record. Other side has given say thereon. After hearing both the advocates, some orders are passed. It is wastage of time. The most unfortunate part is that it is done by the advocate representing a Government undertaking. Sincerely I feel, hence forth It should be stopped.

24. Lengthy pleadings, bulky record and evidence, number of rulings are some of the reasons to cause delay in passing the award. Furthermore, most of the evidence was recorded by my Ld. Predecessor who retired in October 2010. Thereafter I have taken over charge of this Tribunal. This Tribunal is functioning for three weeks in a month at Mumbai and one week camp sitting at Goa. In addition to that, the building and premises of this Tribunal was handed over to CPWD for major repair works which commenced in February 2010 and lasted till end of June 2010. During the period of about two and half months, the work of the Tribunal was almost standstill as major portion of the premises was under repair. Furthermore, there is no Steno and post of PA/Steno is vacant since last couple of years. I have to take help of the typist as when available. In the circumstances, though there is delay of about 2 months in passing the award, I need not re-hear the arguments as both the advocates have filed their written arguments, synopsis and copies of citations on record.

25. In the light of discussions and findings on the issues nos. 1 to 3 above, I allow the reference and proceed to pass the following order:

ORDER

1. The reference is allowed as follows:
2. The labour contracts between ONGC and its contractors in respect of the workmen under reference are hereby declared sham, bogus and mere camouflage to deprive the workmen under reference from getting benefits of permanent employees.
3. The workmen under reference are hereby declared as permanent workmen of first party

ONGC. They are entitled to the pay and other allowances and benefits at par with the permanent employees.

4. The first party ONGC is directed to pay the difference in wages and to give all other benefits to the workers under reference at par with the permanent employees of the respective grades from the date of their respective appointments with benefit of promotions etc.

Date: 01-07-2011

K.B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2819.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय विमानपत्तन प्राधिकरण कोलकाता के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ संख्या 1/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-11011/7/2008-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2819.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2009) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar-2 now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Airport Authority of India (Kolkata) and their workman, which was received by the Central Government on 9-9-2011.

[No. L-11011/7/2008-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

PRESENT:

Shri J. Srivastava,
Presiding Officer, C.G.I.T. -cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 1/2009

Date of Passing Award— 22nd July, 2011

Between :

The Management of :-

(1) The Airport Director,
Biju Patnaik Airport, Bhubaneswar, Orissa

(2) The Executive Director, Eastern Region
Airport Authority of India, NSCB Airport,
Kolkata—700 052.

(3) The Executive Director, (Personnel Admn),
Airport Authority of India, Rajiv Gandhi Bhawan,
Safdarjung Airport, New Delhi—110003.

....1st Party- Management

And

Their workman represented through the Branch
Secretary, Indian Airports Kamgar Union,
Biju Patnaik Airport, Bhubaneswar, Orissa,

....2nd Party-Union.

APPEARANCES:

Shri Parthasathy Kar For the 1st Party-
Authorized Rep. Managements.

Shri B. Champathy For the 2nd Party-
Disputant Union.

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the management of Air Port Authority of India and their workman in exercise of the powers conferred by clause (d) of sub-section (1) of sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide their letter No. L-11011/7/2008-IR (M), dated 27-1-2009.

2. The dispute referred to this Tribunal has been mentioned under the schedule of the letter of reference which reads as follows.

“Whether the action of the management of Airport Authority of India, Bhubaneswar withdrawing the notional increment from Shri B. Champati, House Keeper after two years of promotion is justified? What relief the workman is entitled to?”

3. The disputant workman being the Branch Secretary of the 2nd Party-Union has filed the statement of claim in which he has stated that he joined as a Fire Operator at Bhubaneswar Air Port on 1-12-1972 in the pay scale of Rs. 950-1500. He was granted non functional scale of Rs. 1200-2040 after 19 years of service on 1-2-1992. His basic pay was fixed at Rs. 1260 after giving Rs. 10 as fitment benefit as he was drawing basic pay of Rs. 1250 in the previous scale. In the year 1993 the Air Port Authority of India proposed to fill-up the vacant post of House Keeper in Kolkata region by departmental promotion. The 2nd Party-workman applied for the post and appeared in the departmental examination. Later he was informed about his promotion to the post of House Keeper and he joined the

post on 31-8-1994. Subsequently his pay was fixed in the promotional post on 31-8-1994 as per Rule FR-22c at Rs. 1350 by giving a notional increment of Rs. 30 and the same was recorded in the service book. Later the 1st Party-Management at the time of IDA fixation in 1996 withdrew the notional increment of Rs. 30 granted to him on promotion to House Keeper without any intimation to the disputant workman. The disputant workman espoused his grievance through the 2nd Party-Union and thereafter raised a dispute before the Regional Labour Commissioner (Central), Bhubaneswar. The post of House Keeper is attached with higher responsibility while the post of Fire Operator is having less responsibility. FR-22c states that “where a Government servant is promoted or appointed in Substantive temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued”. As per Central Head Quarter’s Letter No. 12034/15/94-EW, dated 12-8-1994 the appointment orders were issued alongwith the broad duties and responsibilities of their function. Therefore while fixing the pay of the applicant under the then existing Fundamental Rules, Shri B. Champati was rightly given one notional increment as per FR-22c. During conciliation proceeding the Management tried to justify their action of withdrawal of increment on the ground that the posts of Fire Operator and House Keeper are in the scale of Rs. 1200-2040 and there was no promotion and Shri B. Champati was recommended to be appointed in the grade of House Keeper in the same scale of pay. This contention of the Management is erroneous. The initial scale of pay of Fire Operator is Rs. 950-1500 and the non functional scale of Rs. 1200- 2040 is given after fifteen years of service. The disputant workman after promotion to the post of House Keeper is entitled to get one increment as per the then existing Fundamental Rule. Therefore the same cannot be withdrawn subsequently on any plea. The action of the Management withdrawing the notional increment after two years of promotion is illegal and unjustified.

4. The 1st Party-Management has filed its written statement and stated that the case is not maintainable as the post of House Keeper is not promotional post for Fire Operator. Since Shri B. Champati was holding the post of Fire Operator in the scale of Rs. 1200-2040 he was appointed in the same scale on the post of House Keeper. Hence no fixation benefit was given to him by the 1st Party-Management. The averments made by him in his statement of claim are all false and fabricated. FR-22c does not apply in his case as it was an appointment not promotion.

5. In his rejoinder the disputant workman aleged that it is incorrect to say that no fixation benefit was given

to Shri B. Champati after joining as House Keeper. He was given one increment of Rs. 30 while fixing his pay in the post of House Keeper. He was also given one annual increment in the year 1995, but later on the notional increment and one annual increment was withdrawn without any notice or giving personal hearing. The post of House Keeper has greater responsibilities and duties than that of Fire Operator being a promotional post. Therefore he is entitled to get his pay fixed as per FR-22c now re-number as FR-22(1)(a)

6. On the pleadings of the parties following issues were framed :

ISSUES

1. Whether the action of the Management of Airport Authority of India, Bhubaneswar withdrawing the notional increment from Shri B. Champati, House Keeper after 2 years of promotion is justified?

2. What relief the workman is entitled to?

7. On behalf of the 2nd Party-Union the disputant workman Shri B. Champati examined himself as W.W.-I and proved documents marked as Ext.-I to Ext.-II.

8. The 1st Party-Management has not adduced any oral or documentary evidence.

FINDINGS

ISSUE NO. 1

9. There is no dispute that the disputant workman was given appointment/promotion to the post of House Keeper from the post of Fire Operator with effect from 31-8-1994. He was drawing basic pay of Rs. 1320 as Fire Operator when he was appointed/promoted to the post of House Keeper in the pay scale of Rs. 1200-2040. After promotion/appointment in the post of House Keeper his basic pay was fixed at Rs. 1350 giving a notional increment of Rs. 30 in the same scale of pay as is evident from the Memorandum dated 22-9-1994 marked as Ext.-4 and also from the photostat copy of the extract of service book marked as Ext.-6. His contention is that the post of House Keeper is a promotional post and after promotion or alleged appointment on the post of House Keeper his pay has to be fixed after giving a notional increment of Rs. 30 as admissible as per FR-22c. He has also filed the extract of FR-22c marked as Ext.-5 which reads as follows :

“Where a Government servant is promoted or appointed in Substantive temporary or officiating capacity to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued.”

10. The 1st Party-Management have not shown anything against this rule which disentitles the disputant workman to get a notional increment while fixing his pay in the post of House Keeper on promotion or appointment. The 1st Party-Management have initially allowed him one notional increment of Rs. 30 while fixing his pay in the post of House Keeper and also granted him one annual increment after completion of one year in the said post, but later on withdrew the notional increment and also the annual increment granted to him. This is evident from the xerox copies of the documents filed by the disputant workman marked as Ext. 4, 6 and 7. Exts.-1 to 4 equally go to show that the post of House Keeper is a promotional post having greater responsibilities and duties. Ext.-10, which is the xerox copy of the letter dated 12-8-1994 of Director of Personnel, National Air Port Authority, mentions the broad duties and responsibilities of the Hosue Keeper at its back. Therefore in view of the FR-22c, now renumbered as FR-22(1)(a) the disputant workman is entitled to get one notional increment on his promotion or appointment to the post of House Keeper at the time of pay fixation. Accordingly the action of the Management of Air Port Authority of India, Bhubaneswar withdrawing the notional increment from Shri B. Champati, House Keeper after two years of promotion cannot be held justified and legal. This issue is thus decided in favour of the 2nd Party-Union and against the 1st Party-Management.

ISSUE NO. II

11. As the action of the Management of the Air Port Authority of India, Bhubaneswar withdrawing the notional increment from Shri B. Champati, House Keeper after two years of promotion has been held illegal and unjustified, the disputant workman is entitled to get one notional increment of Rs. 30 in the pay scale of Rs. 1200-2040 in the post of House Keeper from the date of his promotion/appointment in the said post and also the annual increment after completion of one year of service. The disputant workman is also entitled to differential amount of wages having fallen due because of withdrawal of notional and annual increment by the 1st Party-Management.

12. The reference is answered accordingly.

Dictated & Corrected by me.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2820.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उडीसा माइनिंग कोरपोरेशन लिमिटेड, केन्जार के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय नं. 2, भुवनेश्वर

के पंचाट (संदर्भ संख्या 406/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-29011/29/2001-आई आर (एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2820.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 406/2001) of the Central Government Industrial Tribunal/Labour Court Bhubaneswar-2, now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Orissa Mining Corporation Ltd., Keonjhar and their workman, which was received by the Central Government on 9-9-2011.

[No. L-29011/29/2001-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present : Shri J. Srivastava, Presiding Officer, C.G.I.T.-cum-Labour Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 406/2001

Date of Passing : Award - 18th July, 2011

Between :

The Management of the General Manager, Orissa Mining Corporation Limited, P.O. Barbil, Keonjhar- 769 035

.....1st Party-Management.

And

Their workman represented through the General Secretary, Keonjhar Mines Mazdoor Union, P.O. Guruda, Keonjhar - 758 034

.....2nd Party-Union

Appearances :

Shri Banoj Kr. Patnaik, For the 1st Party-Advocate

Shri D. Mahanta, For the 2nd Party-Union. Advocate

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the Management of Orissa Mining Corporation Limited, the General Manager, P.O. Barbil and their workman in exercise of the powers conferred by clause (d) of sub-section (1) of sub-section (2A) of Section

10 of the Industrial Disputes Act, 1947 vide their letter No. L-29011/2001-IR(M), dated 14-6-2001.

2. The dispute as referred to is mentioned below:

"Whether the action of the management of Orissa Mining Corporation in not giving designation and fitment as per the nature of duties performed by Shri Geetamani Pradhan as 'Challan Clerk' and fitment in the cadre of Challan Clerk from 14-9-87 and further time to time promotion as per the OMC Rules is justified? If not, what relief the workman is entitled to?"

3. The 2nd Party-Union espousing the cause of the disputant workman has stated in its statement of claim that the disputant workman Jamani Pradhan presently working as SGBK Mines, Orissa Mining Corporation Limited, At/PO. Guruda, Dist. Keonjhar was an employee of ex-Mine owner, Md. Sirajuddin of the same Mines designated as loading supervisor. He became the employee of the 1st Party-Management from 18-6-1982 after the above mine was taken over by the OMC Limited. While working with the ex-mine owner he was performing the duties of issuing challan to all transporting trucks and from 18-6-1982 he has been performing the duty of Challan Clerk. Therefore his demand is to fitment him in the post of Challan Clerk as per the nature of duty performed by him. The 1st Party-Management started the mining operation from 18-6-1982 with all the ex-lessee employees along with some of the direct recruited employees of the OMC Limited. The ex-lessee employees demanded to equalise them at par with the OMC direct employees and when the Management did not consider their demand the disputant workman including other workmen raised an industrial dispute numbering I.D. Case No. 61/87(C) in which award was given in favour of the workmen. The disputant workman was fitmented in the cadre post of "Plot Attendant" with effect from 14-9-1987 without properly considering the nature of his duties. A demand was raised through the Union, whereupon the Management constituted a committee at Regional Office, Barbil. The committee after proper enquiry recommended to give proper fitment of Challan Clerk to the disputant workman and a letter dated 22-4-1994 was written for consideration of the case along with five other workmen. When the matter was delayed, one of the applicants namely Shri Bidyadhar Mohakud, Library Attendant filed an industrial dispute before the Assistant Labour Commissioner (Central), Rourkela which was ultimately referred to Industrial Tribunal for adjudication. An I.D. Case No. 42/97(C) was registered and award was passed after hearing in favour of the workman. As per award Shri Mohakud was redesignated as Assistant Teacher with corresponding pay scale as per nature of job. The disputant workman is also entitled for wages of Challan Clerk as per the nature of job. The action of the 1st Party-Management in not granting proper designation and pay scale shows extreme

arbitrariness and exploitation and harassment of the disputant workman. Finding no way out the disputant workman raised a dispute before the Assistant Labour Commissioner (Central), Rourkela through Union. After holding discussions and conciliation proceedings the Management did not agree to the demand of the disputant workman. Hence the present reference was made on failure of conciliation.

4. The 1st Party-Management has stated in its written statement that the dispute so referred is misconceived and is not maintainable in as much as no person can claim regularization and fitment in a post unless he has the requisite qualification and passed the recruitment test. The disputant workman does not have the requisite qualification for the post of Challan Clerk and also does not discharge the duties of Challan Clerk. He has been fitted in the post of Plot Attendant in consideration of his nature of duties and qualification as per the award given in I.D. Case No. 61/1987(C). The 1st Party-Management is an Undertaking of State Government having its own rules and regulations in the matter of Recruitment and Promotion of the employees. The disputant-workman was working as an Assistant Loading Supervisor under the private owners M/s. Sirajuddin & Co. and on re-employment under the OMC Limited he was continued as such. Subsequently the 1st Party-Management appointed/fitted him as Plot Attendant with higher scale in consideration of nature of his duties and qualification. The post of Challan Clerk is in the cadre of Grade-III and the minimum qualification to hold the said post is matriculate, while the disputant workman possessed the educational qualification up to Class-X. Therefore he was not eligible for the post of Challan Clerk and to get the benefit attached to the said post. The nature and duties of Plot Attendant and Challan Clerk are quite different. Considering the award passed in I.D. Case No. 61/1987(C) the disputant workman was appointed as Plot Attendant with effect from 14-9-1987. He has no further dispute to raise. The issue of fitment having been finally decided the same cannot be reopened and re-agitated. The post of Challan Clerk is a base post and is to be filled in by way of direct recruitment. The General Secretary of the Barbil Zone Mining and Transport Workers Union raised a demand of fitment of seven employees including the disputant workman which was considered along with the report of the committee. The 1st Party-Management did not find any merit for modification of the fitment earlier given to the 2nd Party-workman. Accordingly the demand was rejected. The demand was raised after a long period and the disputant workman is estopped to raise the issue after having accepted the offer of regularization. As such the reference is not maintainable and the disputant-workman has no right to claim any relief.

5. The 2nd Party-Union in its rejoinder reiterated the same facts and stressed that he has been performing

the duty of Challan Clerk under the present employer. The Recruitment and Promotion Rules are applicable to new recruits, not to those who have already been recruited. The disputant workman had put in so many requests for his fitment and re-designation as Challan Clerk but the 1st Party-Management did not consider his grievances and delayed the matter.

6. On the pleadings of the parties following issues were framed.

ISSUES

1. Whether the reference is maintainable ?
2. Whether the action of the Management of Orissa Mining Corporation in not giving designation and fitment as per the nature of duties performed by Shri Geormani Pradhan as Challan Clerk and fitment in the cadre of Challan Clerk from 14-9-1987 and further time to time promotion as per the O.M.C. Rules is justified ?
3. If not, what relief the workman is entitled to ?
7. The 2nd Party-Union has not examined any witnesses in support of its case. Some documents have been filed by it, but those documents have neither been proved nor admitted by the 1st Party-Management. As such they cannot be relied.
8. The 1st Party-Management has examined one witness Shri S.C. Panda as M.W.-1 who has proved and exhibited three documents filed by the 1st Party-Management as Ext.-A to Ext.-C.

FINDINGS

ISSUE NO. 1

9. The 1st Party-Management has alleged in its written statement that the reference is misconceived and not maintainable in as much as no person can claim regularization and fitment in a post unless he has requisite qualification and he has been successful in the recruitment test. This issue is not based on any legal proposition, but has factual aspects to be considered and decided on the basis of evidence. However, it cannot be *prima facie* held that the reference is not maintainable before this Tribunal. The reference is altogether maintainable on the face of the facts of the dispute raised by the 2nd Party-Union. If the disputant workman has not got the requisite qualification and has not been successful in recruitment test its claim to fitment and regularization in the post of Challan Clerk shall stand rejected, but he cannot be denied his right to claim fitment in the post of Challan Clerk for which he thinks himself to be entitled. As such the reference is maintainable and the issue is decided in favour of the 2nd Party-Union and against the 1st Party-Management.

ISSUE NO. 2

10. The burden to prove entitlement for regularization and fitment in the post of Challan Clerk lies

on the 2nd Party-Union and also on the disputant workman, but here it is to be mentioned that no evidence has been led on-their behalf to prove their case. The 1st Party-Management has very strongly stated that considering the nature of duties performed and educational qualification possessed by the disputant workman he was given appointment/fitment as Plot Attendant in conformity with the dictum of the award passed by the Industrial Tribunal, Orissa in I.D. Case No. 61/1987(C). It has further stated that the disputant workman has never discharged the duties of Challan Clerk even before coming to the service of the Management of Orissa Mining Corporation Limited. Earlier he was discharging the duties of Assistant Loading Supervisor. There is nothing in the award of I.D. Case No. 61/1987(C) which entitles him to fitment for the post of Challan Clerk. The disputant workman has been given appointment/fitment in the post of Plot Attendant from 14-9-1987 according to his educational qualification and nature of duties performed by him. There is no evidence on record that the disputant workman has ever performed the duties of Challan Clerk either in the earlier post or in the post subsequently given to him by the 1st Party-Management. Ext.—is the award given in I.D. case No. 61/1987(C) and Ext.-C is the Recruitment and Promotion Rules for Non-executive along with Schedule-II and Annexure-117 and 118 which prescribe the educational qualification of Challan Clerk as matriculation and mode of recruitment test is direct. The 1st Party-Management has stated in its written statement as well as through the deposition of its witness Shri S.C. Panda that the educational qualification for Challan Clerk is matriculate and the 2nd Party-workman has read up to Class-X. It is not clear as to whether matriculation is equivalent to Class-X or higher than Class-X. However leaving aside this point, the disputant workman has failed to prove that he has ever worked as Challan Clerk during his employment with his previous or present employer. As such the nature of job being performed by him does not entitle him to regularization and fitment in the post of Challan Clerk. Therefore it cannot be said that the action of the management of Orissa Mining Corporation Limited in not giving designation and fitment as per the nature of duties performed by Shri Georamani Pradhan as Challan Clerk and fitment in that cadre from 14-9-1987 and further time to time promotion as per the Orissa Mining Corporation Rules is unjustified and unsustainable. This issue is accordingly decided in favour of the 1st Party-Management and against the 2nd Party-Union.

ISSUE No. 3

11. In view of what has been concluded in Issue No. II, the disputant workman is not entitled to any relief whatsoever claimed in the reference.

12. The reference is answered accordingly.

J. SRIVASTAVA, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2821.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, मुम्बई के पास (संदर्भ संख्या 132/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-31011/24/2001-आई आर (एम)]
जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2821.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No 132 / 2001) of the Central Government Industrial Tribunal/Labour Court, No. 2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. National Freight Carriers Mumbai and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-31011/24/2001-IR.(M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : K. B. KATAKE, Presiding Officer

Reference No. CGIT-2/132 of 2001

EMPLOYERS IN RELATION TO THE MANAGEMENT OF NATIONAL FREIGHT CARRIERS

The Director,
M/s. National Freight Carriers,
(Prop. Ornate Multi Modal Carriers Pvt. Ltd.)
C/o. Orient House, 4th floor
Adi Marzban Path, Ballard Estate
Mumbai-400 038

AND

Their Workmen

The Secretary
Transport & Dock Workers Union,
P.D'mello Bhawan,
P.D'mello Road
Carncac Bunder,
Mumbai-400 038.

APPEARANCES :

For the Employer : No appearance.

For the workmen : Mr. J.H. Sawant, Advocate.

Mumbai, dated the 13th July, 2011

AWARD

1. The Government of India, Ministry of Labour & Employment by its Order No.L-31011/24/2001 -IR (M) dated 14-12-2001 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of National Freight Carriers, JNPT in not assigning work to 189 workmen w.e.f. 20th July, 2000 is legal and justified? If not, to what relief the workmen entitled to?"

2. After receipt of the reference, notices were issued to both the parties. In response to the notice, the second party union has filed its statement of claim at Ex-8. According to them, the management is operating in major ports in India including Port of Mumbai and Jawaharlal Nehru Port. According to them, the management has refused the work and employment to 213 workmen w.e.f. 20-07-2000. Out of those the 38 workmen are interested in pursuing their claims against the management. According to them, on 20-07-2000 Mukadam Shri Santosh Suryavanshi at the instance of management assaulted members of union and created atmosphere of terror at the workplace in Jawaharlal Nehru Port. By using force, management prevented the members of the union from reporting their duty from the said date i.e. 20-7-2000. On the next day the union gave a letter to the management and requested it to refrain from unfair labour practice and from using force against the workmen and also requested to allow all 213 workers to resume their duties. The management took possession of dock entry permits issued to the workmen. Later on management issued termination letters to the workmen. Union again wrote two more letters requesting them to withdraw the termination letters issued unlawfully to the workmen. However the management ignored the representation of the union and unlawfully refused employment to these workmen.

3. The union has approached ALC for conciliation. However the dispute could not be settled and ALC made a report to that effect to the Labour Ministry. Therefore the union prays for declaration that the action of management not assigning work be declared illegal and unjustified. They also pray to reinstate the workmen with full back wages since 20-07-2000.

4. The first party management resisted the statement of claim by filing written statement at Ex-9. According to them, the reference is bad in law. They have not refused the work to the workmen from 20-07-2000. On the other hand, the workers have refused to carry out their work since 20-07-2000 due to the incident of filthy abuses at local recruits by the workers and assaulting one of them.

The workers under reference were very much violent and indulged in riotous behaviour inside the port premises causing tense atmosphere in the port. The workers under reference resorted to illegal strike since 20-07-2000 from 12.00 noon. It was without any notice to the employer. The workers under reference did not attend the work at their own till 15-09-2000. On 15-09-2000 they resumed their duties. Some of the drivers have refused to do the urgent work. It caused loss to the company. Management never refused to give work to the workmen under reference. On the other hand the workmen themselves remained absent till 15-09-2000. Therefore the management prays that the reference be dismissed with cost.

5. Following are the issues framed by my Ld. Predecessor for my determination. I record my findings thereon for the reasons to follow:

S. No.	Issues	Findings
1	Whether management proves that workers under reference resumed their duties w.e.f. 15-9-2000?	Yes
1A	Whether the management proves that workers under reference themselves stopped reporting to duty from 20-07-2000?	No
2	If yes, whether it is proved that the action of the management in not assigning work to the Workers under reference during the period 20-7-2000 to 14-09-2000 is legal and justified?	Yes
3	What relief the concerned workmen are entitled to?	The workers under reference are entitled to get their wages for the period from 20-07-2000 to 15-09-2000.

REASONS

Issue No.1 & 1A :—

6. In the case at hand, at the outset I would like to point out that on behalf of the union, Shri Vilas Shivram Gade has filed his affidavit at Ex-15. He says on oath in his affidavit that the management prevented the members of the union from reporting their work from 20-07-2000. Union therefore gave letter to the management dtd. 21-7-2000 and requested them to refrain from unfair labour practice and from using force against the workmen. He says that they

also sent two more letters to the management dtd. 11-8-2000 and 25-8-2000 requesting the management to withdraw the termination letters issued unlawfully to the workmen. However management ignored the request of the union. According to him the management refused the work to the workmen under reference. Neither version of this witness is challenged by cross examining him nor by examining any witness on behalf of the management. Evidence of this witness at Ex-15 remain unchallenged. Furthermore the management has not examined any witness in support of their plea. In this backdrop, no further discussion is necessary to arrive me at the conclusion that management failed to prove that workmen remained absent willfully. On the other hand the witness of the union in his evidence at Ex-15 says on oath that management refused the work to the workmen under reference.

7. It is the case of the management that all the workers have resumed their duties since 15-9-2000. This version of the management is not challenged by the workmen even in the affidavit of WW-1 at Ex-15. Thus I hold that the management has refused the work to the workmen under reference from 20-07-2000 to 15-09-2000. Accordingly I decide this issue No.1 in the affirmative and issue no. 1A in the negative. This act of refusing the work to the workmen is not legal and justified. Therefore, I hold that the workers under reference are entitled to get their wages for the period from 20-07-2000 to 15-09-2000. Thus I allow the reference and proceed to pass the following order:

ORDER

1. Reference is allowed.

2. The refusal of work to the 38 workers under reference for the period 20-7-2000 to 15-09-2000 is hereby declared as illegal. The 38 workers are entitled to get their respective wages for the said period. The Management is directed to pay the wages to workers respectively.

Date: 13-07-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2822.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार पेट्रोलियम उड़ीसा कोरापोरेशन टियूटीकरेन एवं रविचन्द्रन इंजीनियरिंग कोन्सैट्रक्टर एवं सेन्ट एन्थोनी पार्टनर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ब्रम न्यायालय, चैनर्स के पंचाट (संदर्भ संख्या 6/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

New Delhi, the 9th September, 2011

S.O. 2822.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.6/2009) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corp Tuticorin 2, Sh. M. Ravichandran Cont St. Anthony Agencies Partner and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-30011/15/2008-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
CHENNAI**

Monday, the 18th July, 2011

Present: A.N. JANARDANAN, Presiding Officer

Industrial Dispute No. 6/2009

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Bharat Petroleum Corporation Ltd. and their Workmen.)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
 Bharat Petroleum
 Workers Union
 16, Masilamanipuram.
 3rd Street
 Tuticorin-8

Vs.

1. The General Manager : 2nd Party/1st Respondent
Bharat Petroleum
Corp. Ltd.
Madurai Bye- .
Pass Road
Tuticorin-628 008
2. Sri M. Ravichandran : 2nd Party/2nd Respondent
Engineering Contractor
Narayana Nadar
Compound Varandiavel
Post, Via Karumbur
Tuticorin
3. The Partner : 2nd Party / 3rd Respondent
St. Anthony's Agencies
20/19, Roche Colony,
4th Street
South Beach Road
Tuticorin-628 001.

APPEARANCE:

For the 1st Party /Petitioner Union : M/s. D. Geetha, R.Diwakaran, S. Anbazhakan, Advocates

For the 2nd Party / 1 st Respondent : M/s. T.S. Gopalan & Co., Advocates

For the 2nd party/2nd Respondent : Set - Ex parte

For the 3rd Party/3rd Respondent : Sri R. Arumugam & B. Anand Advocates

AWARD

The Central Government, Ministry of Labour vide Order No. L-30011/15/2008-IR(M) dated 22-08-2008 has referred the dispute to this Tribunal for adjudication.

The Schedule mentioned in that order is :

"Whether the termination of the services of the services of S/Sri R. Duraiseelan, R.P. Vinoth Kumar, J. Thomas and S. Syed Khadar by the previous contractor and the present contractor employed by the management of BPCL is fair, legal and justified? To what relief the four workmen are entitled?"

2. After the receipt of Industrial Dispute the referred ID was taken on file as ID No. 6/2009 and issued notices to both sides. Petitioner, 1st and 3rd Respondent appeared through their respective counsel and 2nd Respondent was called absent and set ex-parte. Petitioner filed Claim Statement and 1st and 3rd filed separate Counter Statements.

3. The Claim Statement allegations briefly read as follows:-

The four workers under the 1st Respondent were through Contractors in Cylinder Handling Department-LPG Bottling Plant work of perennial nature. They were continuously employed even when Contractors are changed from time to time as labour of different Contractors. They were given only meagre wages. Without them the 1st Respondent could not function. They were not regularized. When the 2nd Respondent entered into agreement with the 1st Respondent for the year 2004-2005 as Contractor they were illegally terminated on the false grounds saying that they threatened him and his Supervisor. Actually they were targeted when they demand bonus for 2004-2005 from 2nd Respondent. Before termination on 29-10-2005 they were not given notice nor an enquiry was held. Their services were terminated without reason. All the contract labourers under the 2nd Respondent have become contract labourers of 3rd Respondent from 1-11-2005. It is the usual procedure and a term of the agreement between the 1st and 3rd Respondent to employ workers of 2nd Respondent by the 3rd Respondent who refused to do so on the ground that as on 30-10-2005 the 4 workers were removed by the 2nd Respondent from the muster roll. 3rd

Respondent should reinstate them. The termination order dated 29-10-2005 during the pendency of the conciliation proceeding before the ALC (C), Madurai vide F.No. 8/82/2004/A-M for revision of wages of contract labourers was without permission rendering it violative of Section-33 of the ID Act. Discernibly there is collusion between the 2nd and 3rd Respondent. As principal employer, the 1st Respondent has to employ them. The termination amounts to retrenchment under Section-2 of the ID Act in violation of Section-25(F), 25(G) and 25(H) of the ID Act. Hence the claim.

4. The Counter Statement contentions on behalf of the 1st Respondent briefly read as follows:

First Respondent is not answerable to the claim which is not their employer. 2nd Respondent vide two letters dated 29-10-2005 conveyed himself having been abused by the four workers and that he had terminated their services, whose contract with it for handling LPG Cylinders from 01-11-2004 to 30-10-2005 was coming to a close. 1st Respondent has no more knowledge regarding the cessation of engagement of the 4 workers. Contractors are at liberty to engage or change the contract workmen which is not supervised by the 1st Respondent. The claim is to be rejected.

5. The Counter Statement contentions on behalf of the 3rd Respondent briefly read as follows:

Third Respondent is not a necessary party. 3rd Respondent was nowhere in the picture before 01-11-2005. Admittedly there is no employer-employee relationship between 3rd Respondent and the 4 workers. 3rd Respondent is not liable for the termination of the service of the 4 workers. There is no statutory stipulation to employ the workers of the previous Contractor. The 3rd Respondent happened to engage 6 workers engaged by the 2nd Respondent. The 4 workers did not approach him regarding their non-employment. 3rd Respondent never employed the said 4 workers. Their names do not find place in the muster rolls. That without the workforce of the petitioner/workmen the Company cannot function is an overstatement. It is incorrect that the workers of 2nd Respondent have become workers, under the 3rd Respondent or that it is the term of the agreement between the 1st and 3rd Respondent. There is no question of removal of the workers by the 3rd Respondent who is a new Contractor from 01-11-2005. There is no termination of their services. There is no question of reinstatement. There is no violation of Section-33 of the ID Act. There is no collusion between 3rd and 1st Respondent. There is no retrenchment. There is no violation of principles of natural justice or violation of ID Act. The workers are not entitled to any relief.

6. Points for consideration are:

(i) Whether the termination of services of S/Sri R. Duraiselvan, R.P. Vinod Kumar, J. Thomas and

S. Syed Khadar by the previous and the present Contractor employed by the Management of BPCL is fair, legal and justified?

(ii) To what relief the concerned workmen are entitled?

7. Evidence consists of the testimony of WW1 and WW2 and Ex.W1 to Ex.W45 on the petitioner's side and the oral evidence of MW1 and MW2 and Ex.M1 to Ex.M13 on the Respondent's side.

Point (i) & (ii)

8. Heard the arguments on both sides and perused the records, documents and written arguments filed by the 1st Petitioner and 3rd Respondent. The sum and substance of the contentions on behalf of the petitioner is that the termination is without an enquiry for an alleged misconduct of threatening by the 4 workmen violating principles of natural justice and therefore it is illegal. It is also assailed as being a retrenchment for want of compliance of Section-25F, 25G and 25H of the ID Act, they having been employed continuously for more than 240 days in 12 calendar months and the termination being without notice in lieu or notice pay or compensation. 15 workers were appointed after retrenchment of the 4 workmen. Since they were terminated during pending of conciliation proceedings without permission or approval under Section-33 (ii)(b) of ID Act as is evident from Ex.W1 notice, copy of complaint Ex.W6 and Ex.W22-23 orders of termination. The workmen are legally entitled to be employed by the 3rd Respondent who commenced as Contractor under R1 immediately on the closure of the contract of 2nd Respondent with 1st Respondent. 3rd Respondent is liable for their reinstatement. The contract system herein is sham and is a camouflage and the 1st Respondent, principal employer is the real employer as could be found from Ex.W25, Ex.W27, Ex.W28, Ex.W30, Ex.W31, Ex.W32 and Ex.W34 indicating that even with change of Contractors the same workmen continued as contract labour. It is further fortified by the fact that the contract labour are permitted to enter the premises as per permission of 1st Respondent as is evident from Ex.W37, Ex.W38 and Ex.W39. The added fact that officials of the 1st Respondent supervise the work of the contract labourers is another piece of evidence to substantiate that the contract is sham and the real employer is the 1st Respondent. The other fact that as per the Ex.W44 Standing Order the absence of a provision for engagement of contract labour by the 1st Respondent indicates that it cannot engage contract labour and the workmen are only to be regarded as direct employees. Hence the workmen are entitled to be reinstated in the service of the 1st Respondent.

9. The 2nd Respondent in this case being ex parte no defence is set up against the claim of the petitioner. According to 1st Respondent's Counsel it is for the 2nd

Respondent to justify the termination orders and not by the others. It is against the 2nd Respondent Contractor that the petitioner can maintain any claim and not with the 1st Respondent Company. The motive of the petitioner is to seek employment under the 1st Respondent which cannot be allowed.

10. On behalf of the 3rd Respondent it was argued in terms of the pleadings in their Counter Statement disowning any liability or responsibility towards the workmen, They were employed only by the 2nd Respondent and they can only claim relief from him.

11. The reference in the terminology pre-supposes in asserting that the 4 workmen were terminated both by the previous Contractor who is the 2nd Respondent and the present Contractor who is the 3rd Respondent both of whom were employed by the 1st Respondent Management. But as per facts made clear by way of the recitals in the petitioner's claim statement as well as the counter statement of 1st and 3rd Respondent, the 2nd Respondent being absent and set ex-parte it is evident that the 4 workmen were engaged as contract labour by the 2nd Respondent with the 1st Respondent as the principal employer and that they were never engaged by the 3rd Respondent. Therefore it is only to be held that there is no termination of the services of the 4 workmen by the 3rd Respondent. But on the evidence adduced both oral and documentary on behalf of the petitioner it is to be said that they have been illegally terminated/retrenched by the 2nd Respondent violating Section-25F and 25G of the ID Act. Violation of Section-25H is not attracted in view of the fact that in spite of the assertion and contentions of the petitioner that they are legally entitled to be continued to be engaged by the Contractor succeeding the Contractor under whom they had been working prior to their termination the same is not a legally recognized practice or procedure or a statutory requirement under a rule. The termination of the 4 workmen is also bad in law for the reason that the same was effected at a time when conciliation proceedings were pending before the ALC rendering the termination non-est in the eye of law. Therefore they are deemed to be in employment under the 2nd Respondent Contractor.

12. Though it is canvassed for the contention that the Contract of the 2nd Respondent and 3rd Respondent with the 1st Respondent for supply of contract labour for executing work under the 1st Respondent is sham and is only a camouflage and reliance has been sought to be placed on oral and documentary evidence to support that contention the same are seldom apt to substantiate their stand. None of the materials or circumstances relied on and pointed out to support such a contention is cogently conclusive to arrive at such an inference. That contract labour continues to be the same in spite of change of Contractors is not an inviolable fact or situation. That permission is accorded to the workmen to enter the premises

is also not a circumstance to hold that the workmen are direct workers under the principal employer for the reason that only with passes any workman whether direct or contractual may have access into the premises. The absence of a provision in the Certified Standing Order of the establishment also cannot be reckoned as a circumstance to indicate that no contract labour could be engaged by the Company in any circumstance or contingency. Again that the nature of the duty performed by the workmen is perennial is also not a circumstance to hold so. None of the circumstances pointed out on behalf of the petitioner is apt to prevail upon a proposition that the engagement of the workmen under the Company is not as contract labour. Therefore there is no question of any liability or responsibility attributable either upon 1st or the 3rd Respondent for any action against the workmen. They are not answerable to any claim of the petitioner. There is actually no termination of the service of the workmen by the 1st or 3rd Respondent though it could be found that the workmen suffered termination at the hands of the 2nd Respondent which is not fair, legal or justified.

13. The reference is ordered accordingly.

(Dictated to the PA, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 18th July, 2011)

A.N. JANARDANAN, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri P. Essakimuthu
WW2, Sri R. Durairajan

For the 2nd Party/Management : MW1, Sri C.H. Vinod
MW2, Sri S. Bagawat Singh

Documents Marked :

On the Petitioner's side

Ex.No.	Date	Description
Ex.W1	08-04-2005 (Series, 20-7-2005)	Notices from the Labour Officer to the petitioner regarding charter 3 in Number 26-12-2005 of demands
Ex.W2	31-10-2005	Telegram sent to the 1st Respondent
Ex.W3	9-12-2005	Proceeding of the Conciliation Officer
Ex.W4	17-12-2005	Representation to the Assistant Commissioner(Central)
Ex.W5	07-01-2006	Representation given to the 3rd Respondent
Ex.W6	02-12-2005	Notice complaint under Section-33 filed by the Petitioner Union
Ex.W7	19-01-2006 (Series,	Representation given to the 1st Respondent
2 in Number		

	19-01-2006	Representation given to the 1st Respondent	Ex.W28	—	Copy of the PF Slips of Sri J. Thomas
Ex.W8	20-04-2006	Copy of the Section 2K Petition given to the Labour Officer	Ex.W29	—	Copy of the Entry Card issued to J. Thomas
Ex.W9	23-01-2007	Representation filed by the petitioner given to the 1st Respondent	Ex.W30	—	Copy of the ESI Card issued to Sri J. Thomas
Ex.W10	30-5-2007	Copy of the counter filed by the 3rd Respondent before the Labour Commissioner (C)	Ex.W31	—	Copy of the PF Slip issued to Duraiseelan
Ex.W11	20-06-2007	Copy to the representation given to the District Collector- Tuticorin	Ex.W32	—	Copy of the ESI Card issued to Duraiseelan
Ex.W12	23-6-2007	Copy of the representation given to the 3rd Respondent and 1st Respondent	Ex.W33	—	Copy of the Entry Card issued to Duraiseelan
Ex.W13	14-5-2008	Copy of the representation given to the Saveriapitchai, Loading Contractor	Ex.W34	—	Copy of the PF Slips issued to one Saeed Kader
Ex.W14	—	Copy of the counter filed by the 3rd Respondent	Ex.W35	22-07-2009	Copy of the Show Cause Notice issued to Sri Alagashundaram
Ex.W15	31-03-2008	Copy of the conciliation failure report.	Ex.W36	28-07-2009	Copy of the Show Cause Notice issued to Sri Sahaya Raj
Ex.W16	06-06-2007 (Series, 2 in Number)	Copy of the reply given ESI Corporation under RTI Act to the petitioner	Ex.W37	10-12-2009	Copy of the letter issued to General Secretary of the Petitioner Union
Ex.W17	— (Page, No. 100-111)	Copy of the Half Yearly Statements pertaining to 3rd Respondent and Saveria Pitchai	Ex.W38	—	Copies of the list of worker working at loading and unloading cylinder handling plant at the Respondent Company
Ex.W18	07-07-2009	Copy of the complaint given to the 1st Respondent by the Petitioner Union	Ex.W39	—	Copies of the list of worker working at loading and unloading cylinder handling plant at the Respondent Company
Ex.W19	— (Series, Page No. 1717-166)	Copy of the ESI Statements pertaining to Saveria Pitchai and 3rd Respondent	Ex.W40	31-05-2010	Document showing as to how many days Duraiseelan worker under the BPCL
Ex.W20	29-10-2005	Termination Orders issued by the 2nd Respondent to the 4 workmen	Ex.W41	31-05-2010	Document showing as to how many days Vinod Kumar worked
Ex.W23	—	viz. S/Sri R.B. Vinod Kumar, J. Thomas, R. Duraiseelan & S. Saeed Khader	Ex.W42	31-05-2010	Document showing as to how many days Syed Khadar worked
Ex.W24	—	Copy of the ESI Statement with regard to the dispute	Ex.W43	31-05-2010	Document relating to one J. Thomas as to how many days he worked
Ex.W25	—	Copy of the PF Credit Slip pertaining to Sri Vinod Kumar	Ex.44	—	Calculation of total working days with regard to the above workers
Ex.W26	—	Copy of the Entry Card pertaining to Sri Vinod Kumar	Ex.45	—	Copy of the Standing Order.
Ex.W27	—	Copy of the ESI Card issued to Shri Vinod Kumar	On the Management's side		
			Ex.No.	Date	Description
			Ex.M1	10-11-2005 (Series)	Complaint given by the petitioner regarding removal of petitioners

from service by 2nd Respondent without any reason with false allegations

- Ex.M2** — Registration Certificates issued Assistant Commissioner of Labour (Central) under the Contract Labour Regulation and Abolition Act, S.No. 1 and S.No. 2 dated 19-02-1993 and 30-02-2006
- Ex.M3** — The Contract awarded to the 2nd Respondent by the 1st Respondent
- Ex.M4** 29-10-2005 Letter by 2nd Respondent to the 1st Respondent
- Ex.M5** 7-11-2005 Reply submitted by 2nd Respondent to Assistant Commissioner of Labour (Central)
- Ex.M6** 28-10-2005 Contract awarded to 3rd Respondent to the 1st Respondent
- Ex.M7** — Wages Register in Form No. 17, M. Ravichandran, Engineering Contractor (R2) for the month of September, 2005
- Ex.M8** 30-04-2008 Conciliation failure report by RLC (C).
- Ex.M9** 14-10-2005 1st Respondent's letter to 3rd Respondent
- Ex.M10** 28-10-2005 1st Respondent's letter to 3rd Respondent.
- Ex.M11** Nov. 2005 Muster Roll to Jan. 2006
- Ex.M12** Nov. 2005 Counter filed by the 3rd Respondent
- Ex.M13** — Counter filed by the 3rd Respondent

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2823.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट मुम्बई के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 29/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-31011/19/2001-आईआर(एम)]

जोहन तोपनो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2823.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 29 / 2002) of the Central Government Industrial Tribunal/Labour Court, No.-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Mumbai Port Trust, Mumbai and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-31011/19/2001-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.-2, MUMBAI

PRESENT

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT -2/29 of 2002

EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST

The Chairman

Mumbai Port Trust,
Shoorji Vallabhdas Marg,
Ballard Estate,
Mumbai-400 038.

AND

THEIR WORKMEN.

Shri Anant Shankar Shanbag,
2/36, Hamju Terrace,
Gokhale Road (S),
Near Portugues Church,
Dadar, Mumbai 400 028.

APPEARANCES:

FOR THE EMPLOYER

Mr. M.B. Anchan,
Advocate.

FOR THE WORKMEN

In person. Mumbai,
dated the 27th July,
2011.

AWARD PART-I

The Government of India, Ministry of Labour and Employment by its Order No. L-31011/19/2001-IR (M), dated 28-2-2002 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Mumbai Port Trust in terminating the services of Shri A. S. Shanbag, Light Keeper w.e.f. 11-5-2000 is legal and justified? If not, what relief the workman is entitled to?"

2. After the reference was received from Ministry, both the parties were served with notices. In response to the notice, the second party workman has filed his statement of claim at Ex-6. According to him, he is in the employment of first party, MbPT since 1972. He joined as Wireless Telegraphist. In the year 1985 he was promoted to the post of Chief Wireless Telegraphist. In 1987 he was again promoted as Assistant Light Keeper. Same year since October he was promoted as Chief Light Keeper. Before joining MbPT, the workman has served in Indian Airforce. He received certificates from the concerned officers for his excellent work for his honesty, integrity and sincerity in the job. He was very honest and sincere in his work having excellent past record.

3. He was performing his duties alongwith his colleague Shri P.V.D'Souza, Assistant Light Keeper. They were working together for about 12 years. They were working at an isolated island place at Kanoji Angre Light House of Mumbai Port Trust. Both of them used to be together for 12 hours a day. They used to stay together, eat together. Both were good friends of each-others.

4. Every year the workman used to go on leave for about 10 days during Gudi Padwa Festival to attend religious ceremony at his native place. During the said period Shri P.B. D'Souza used to ensure his presence so that work of the department would not hamper during the leave period of the workman. The workman used to attend the religious ceremony at his native place every year at the time of Gudi Padwa Festival. Except 2/3 occasions, it was continued for last more than 20 years. In the year 1997, Gudi Padwa Festival was falling on 8-4-1997. The workman expected his colleague and friend Mr. P.B. D'Souza would make himself available on duty well in advance so that workman can proceed on leave with prior sanction. Mr. P.B.D'Souza was on short leave from 27-3-1997 to 30-3-1997 and he was supposed to report his duty on 31-3-1997 at the light house island. However Mr. D'Souza did not report his duty on 31-3-1997. He also did not inform or made any contact to the workman. The workman could not get any idea as to when Mr. D'Souza would join his duty. Mr. D'Souza was well aware of the workman's strong desire to attend the annual religious ceremony at his native place at the time of Gudi Padwa. Inspite of that Mr. D'Souza remained absent due to which the workman was unable to attend the annual religious ceremony at his native place. He could not apply in advance for sanction of leave as Mr. D'Souza was not there.

5. On 7-4-1997 suddenly Mr. D'Souza resumed his duties. The workman did not like the manner and the conduct of Mr. D'Souza who being a friend and colleague did not come to help the workman to attend the religious ceremony at his native place. Mr. D'Souza also did not inform his whereabouts and when he was supposed to resume the duty after 31-3-1997. On 7-4-1997 when he saw Mr. D'Souza, workman got angry with him. He could not control his feelings and anger. He scolded Mr. D'Souza. He lost his balance and assaulted him and inflicted injury to Mr. D'Souza. Immediately thereafter he realized his mistake. He reported the incident to his superior. He took Mr. D'Souza and gave him first-aid. Workman immediately called a launch and made every arrangement to get medical aid and attendance to Mr. D'Souza in the hospital. The workman used to visit the hospital to see Mr. D'Souza.

6. Same day workman gave a letter to Dy. Conservator, MbPT and narrated the incident and prayed for apology. A criminal complaint was lodged at Yellow Gate Police Station. The workman was arrested in a criminal case. Next day he was released on bail. After some days Mr. D'Souza as well as workman were attending their respective duties. The workman repented for the incident and Mr. D'Souza has also gracefully forgotten the unfortunate incident and started living friendly. Mr. D'Souza had also written a letter to Dy. Conservator contending that, the incident was on account of misunderstanding and he requested to exonerate the workman. Both have forgotten the sad incident. Mr. D'Souza has sent two letters informing the authority that he had no grievance against the workman and they were staying together and working together happily.

7. Though the workman and D'Souza have removed misunderstanding and bitterness of the incident. However MbPT authority initiated the inquiry. The inquiry officer and Dy. Conservator and the appellate authority did not consider the fact that the workman had lost balance in a spur of moment and committed the error inadvertently as Mr. D'Souza remained absent and he could not attend his annual religious ceremony. They also did not consider that Mr. P.B. D'Souza had forgiven the workman and again he was working with the workman and had re-developed friendly relationship. The inquiry officer did not consider the unblemished past service record of the workman of last 35 years. The inquiry officer imposed punishment of removal of workman from the service w.e.f. 12-5-2000 vide his order dated 11-5-2000. The inquiry is not fair and proper. The punishment is very harsh and disproportionate. Therefore the workman raised the industrial dispute and prays that the order of

removal from service be set aside and he be reinstated in the service.

8. The first party management resisted the statement of claim vide its written statement at Ex-8. According to them, the workman and Mr. Philip D'Souza were posted as light keeper and Assistant Light Keeper respectively at Kanogji Angre Light House of MbPT. On 7-4-1997 after some altercations between the two workman assaulted Mr. D'Souza with an iron bar and caused displaced fracture to the left upper arm humerus of Mr. D'Souza. There was nobody present near around. Workman Mr. Shanbag himself took Mr. D'Souza to the light house building. He himself sent message saying that he had committed fault. He had quarreled and had a fight with his colleague Mr. D'Souza. He also informed that Mr. D'Souza was injured and requires urgently to be sent to hospital. Therefore he called launch urgently and D'Souza was taken to P.T. Hospital. He was under treatment till 30-4-1997. Family members of Mr. D'Souza launched FIR of the incident on 8-4-1997 to Yellow Gate Police Station. C.R. No. 10/97 was registered against the workman for the offence punishable under Sec. 326 IPC. He was arrested on 9-4-97 and on the next day released on bail. The chargesheet was submitted to M.M. Court. In the criminal trial, Metropolitan Magistrate convicted the workman for the offence punishable under Sec. 325 IPC and he was sentenced to undergo S.I. for three months and to pay fine of Rs. 3000 I/D further S.I. for 3 months. Workman preferred appeal against the said judgement. In appeal Sessions Court Bombay conviction was upheld but punishment was modified.

9. As per the advice of Chief Law Officer, MbPT initiated disciplinary action against the workman. He was allowed to resume the duty. Departmental inquiry was initiated against him. He was served with chargesheet dt. 21-1-1999 for violation of regulation III (1 A) (i) (x) and xv of MbPT E (Conduct) Regulations 1976. The workman Shri Shanbag denied all the three charges. As his explanation was not satisfactory, the inquiry officer proceeded with the departmental inquiry. Copies of the documents were handed over to the workman. Workman appeared before inquiry officer. Mr. P. G. Uparkar, office bearer of the union represented as defence representative of the workman. After giving fair and proper opportunity and after considering the documentary and oral evidence, IO held the workman guilty of all the charges leveled against him. He submitted his report to the disciplinary authority. Inquiry Officer served a notice dt. 14-3-2000 calling upon the workman to showcause why major penalty of removal from services should not be imposed upon him. The reply and explanation of the workman was not satisfactory therefore the disciplinary authority by their order dt. 11-5-2000 imposed penalty of removal of workman

from the service of port trust with immediate effect. The workman appealed against the said order to the Chairman. Chairman heard him and after considering the inquiry proceeding and the reply to showcause notice, and the decision of Sessions Court, Chairman dismissed the appeal.

10. According to them the IO as well as Metropolitan Magistrate held the workman guilty. The allegations and charges leveled against the workman are of serious nature. Therefore the punishment of removal from service is quite proportionate to the misconduct. Therefore they pray that looking into the seriousness of the case, fact and circumstances of record they pray that the reference be dismissed with cost.

11. Following are the issues for my determination. I record my findines thereon for the reasons to follow:

Sr. No.	Issues	Findings
1	Whether the domestic inquiry conducted against the workman was fair and proper and whether principles of natural justice were followed?	Yes.
2	Whether the findings of the Inquiry Officer are perverse?	No.
3	What order?	As per order below.

REASONS

Issues nos.1 & 2:—

12. In this reference at the outset I would like to point out that in the statement of claim the workman has not challenged the fairness of inquiry. On the other hand, he has not even disputed the alleged incident of assault and the injury sustained by Mr. D'Souza was the result of assault. Though in the argument it is contended that there was delay in issuing the chargesheet and the inquiry officer conducted the inquiry hastily etc. However the said submission of the second party cannot be taken into account for want of pleading to that effect. On the other hand as per the version of first party, the chargesheet was served on the workman. The IO has given an opportunity to the workman to defend himself. The workman had engaged Mr. P.G. Uparkar as defence representative. In this respect, I'd adv for the first party pointed out that the workman has admitted in his cross at EX-14 that he received chargsheet. He has also admitted that he replied the same. He also admitted that his statement was recorded in the inquiry proceeding. He also admitted that he was served with showcause notice before imposing punishment.

13. In the circumstances, the I'd adv. for the first party rightly pointed out that neither the workman has

challenged the fairness in the inquiry nor challenged the findings of the inquiry officer. The workman has mainly challenged the quantum of punishment, which can be determined in the part-II award. In short in the case at hand, chargesheet was served on the workman. He has filed his reply thereto. He was given fair opportunity to defend himself through a defence representative. According to him, he has engaged defence representative at a late stage. In this respect I would like to point out that it was his choice and for late engaging defence representative, IO cannot be blamed. Neither inquiry can be called unfair and improper. The main contention of the workman is that the victim has no grievance against him. According to him he lost his control for a spur of moment. He also repented for the same. However it can be considered only at the time of quantum of punishment in the part-II award. From the evidence on record it is revealed that fair and proper opportunity was given to the workman to defend himself. Proper procedure was followed while conducting the Inquiry. Thus I hold that inquiry was fair and proper. Consequently I also hold that the findings of the Inquiry Officer who held the workman guilty cannot be called perverse. Accordingly, I decide the issue No.1 in the affirmative and issue No. 2 in the negative. Thus the order:

ORDER

The inquiry and findings of inquiry officer against the second party workman are hereby declared fair and proper.

Whether punishment is proportionate to the misconduct is the question of law. The issue can be decided in the light of precedents laid down by Hon'ble Apex Court and High Court. As such on the issue of punishment, there is no scope for further oral or documentary evidence. The parties are directed to remain present on 3-10-2011 at 11.00 a.m. for arguments on the point of punishment.

Date: 27-7-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 9 सितम्बर, 2011

का.आ. 2824.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार औल एण्ड नेचुरल गैस कॉर्पोरेशन मुम्बई के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या 82/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-30011/6/2005-आईआर (एम)]
जोहन तोप्नो, अवर सचिव

New Delhi, the 9th September, 2011

S.O. 2824.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 82 / 2005) of the Central Government Industrial Tribunal/Labour Court, No.-2, Mumbai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil and Natural Gas Corporation Mumbai and their workmen, which was received by the Central Government on 9-9-2011.

[No. L-30011/6/2005-IR (M)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT -2/82 of 2005

EMPLOYERS IN RELATION TO THE MANAGEMENT OF OIL AND NATURAL GAS CORPORATION LTD.

The Manager

Oil and Natural Gas Corporation Ltd.
I R Section, 4th floor, Exchange Plaza,
NSE Building Bandra Kurla,
Complex Bandra (E),
Mumbai 400051.

AND

THEIR WORKMEN.

The General Secretary
ONGC (BOP) Karmachari Sanghatana
Krishna Kunj, No. 2,
'C' Wing, Flat No. 304, Tambe Nagar,
Mulund (W), Mumbai 400 080.

APPEARANCES

FOR THE EMPLOYER :

Ms. Nandini Menon
Advocate.

FOR THE WORKMEN :

Ms. Pooja Kulkarni
Advocate.

Mumbai, dated the 26th July 2011.

AWARD

The Government of India, Ministry of Labour and Employment by its Order No. L-30011/6/2005-IR (M), dated 1-6-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the

following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of ONGC Ltd., Mumbai in appointing Shri K.L. Keswani in the post of lower grade i.e. Steno Grade-III is justified? If not, what relief Shir K. L. Keswani is entitled to?"

2. After receipt of the reference, both the parties were served with the notices of the reference. The second party union appeared through its legal representative and filed its statement of claim at Ex-9. According to them, workman Mr. K.L. Keshwani was recruited by the first party as Stenographer, Gr-II. He was appointed on 12-5-1978 as Stenographer Gr-II. He was promoted w.e.f. 1-1-1984 to the post of Stenographer Gr-I and since 1-1-1990 he was further promoted to the post of Pvt. Secretary. Retrospective effect was given to the said promotion since 1-1-1988.

3. In 1991, workman had applied for leave from 4-2-1991 to 2-3-1991 for going to his home town. Controlling officer has sanctioned his leave. On 4-3-1991, workman requested for extension of leave on medical grounds as he was suffering from Surgical Spondiliosis. The management directed the workman to report medical incharge of ONGC. Accordingly he reported to Dr. D.C. Mehta, General Manager, Medical. Dr. Mehra referred the workman to Hinduja Hospital for confirming his sickness. Dr. S. Agarwala Orthopedic Surgeon of Hinduja Hospital examined him and advised surgery for spondyliosis. As the success rate of such surgery at the relevant time was quite discouraging, the workman did not prefer to it and applied for extension of leave from 4-3-1991 to 10-5-1991. General Manager sanctioned the medical leave. On 12-5-1991, workman requested for further extension of leave due to the ill health. However he did not receive any reply.

4. On 27-8-1991, workman received showcause notice dt. 8-8-1991 for unauthorized absence from duty for more than 90 days. He was also called upon to show cause as to why he should not be treated deemed to have resigned from ONGC. According to the second party union, the showcause notice is illegal as he was not informed about rejection of his application dt. 12-5-1991. He gave reply to the notice and requested to extend his leave. The management did not give any reply. On 3-10-1991, the workman reported to the office for joining his duties. However the management verbally refused permission to join his duty. He was told that the management would inform him about acceptance of his joining report.

5. Again the workman communicated to the office on 9-12-1991 and 24-1-1992 to know about his joining

report. However no intimation was given to him. On 10-4-1992 workman received the letter of termination of his services on alleged ground of deemed resignation. The said action of management is arbitrary. Workman was not given an opportunity of being heard. The workman thus made a representation vide his letter dt. 27-4-1992. He wrote various letters to the management for about 5 years and finally approached to the union. The union took up his case to Director (Pers). The management realized the mistake. However instead of allowing him to join at his original post of PS, he was re-employed as Stenographer Grade-III. He was recruited and appointed as Stenographer Gr-II, therefore re-employment of Stenographer as Grade-III was total injustice to the workman. Therefore union took the issue to ALC (C). However as matter could not be settled, the dispute was taken up to the Ministry of Labour who sent the reference to this Tribunal. The union thus prays that action of the management appointing Mr. K.L. Keswani in the post of lower grade Stenographer Grade-III be declared illegal and unjustified. The union also prays that the workman be reinstated in the post of Pvt. Secretary (E-O level) w.e.f. 1-1-1996 with backwages and benefit of promotion.

6. The management resisted the statement of claim vide its written statement at Ex-12. According to them, Mr. Keswani ceased to be in the employment of ONGC w.e.f. 11-1-1991 due to long unauthorized absence. On the basis of his mercy appeal, citing extreme financial hardship, his case was considered for fresh appointment to the post of Stenographer Grade-III based on memorandum dt. 1-2-1996. It is specifically stipulated that he will not be entitled to benefit of his past service. His past service has no concern with his present employment. The claim of the union is not tenable. He was re-employed merely on the ground of mercy. Therefore he cannot claim the post of Pvt. Secretary. His claim to that effect is devoid of merit. Therefore they pray that the reference being devoid of merit, the same be dismissed with cost.

7. My Ld Predecessor has framed the issues at Ex-15. The matter was adjourned for evidence of the workman. However instead of leading evidence, the workman has filed purshis through his advocate. By this purshis, the workman submitted that he do not want to pursue the case and requested to dispose of the reference as not pressed. As the workman did not press the reference, the said is dismissed of for want of prosecution. Thus I pass the following order:

ORDER

The reference is dismissed for want of prosecution.

Date: 26-7-2011

K. B. KATAKIE, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 2825.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार एफ. सी. आर. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या-1, दिल्ली के पंचाट (संदर्भ संख्या 277/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-2011 को प्राप्त हुआ था।

[सं. एल-22012/30/2003-आईआर (सी-II)]

डॉ. एस. श्रीनिवास राव, डेस्क अधिकारी

New Delhi, the 12th September, 2011.

S.O. 2825.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 277/2011) of the Central Government Industrial Tribunal-cum-Labour Court No.-1, Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of FCI and their workman, which was received by the Central Government on 12-9-2011.

[No. L-22012/30/2003-IR (C-II)]

D. S. S. SRINIVASA RAO, Desk Officer

ANNEXURE

**BEFORE DR.R.K.YADAV,PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL**

**No. 1, KARKARDOOMA COURTS COMPLEX,
DELHI**

I.D.No. 277/2011

Sh.Prem Chand Pal & Ors.

Through the Senior Vice President,

Bhartiya General Mazdoor Congress,

Plot No.1, Aram Bagh (Near Udasin Mandir),

Pahar Ganj, New Delhi.

...Workmen

Versus

The Regional Manager,
Food Corporation of India,
Barakhamba Lane,
New Delhi-01.

Management

AWARD

Contract labours, who were engaged by the Contractor, to discharge his responsibility in terms of contract entered into between him and the Food Corporation of India (in short the Corporation), approached High Court of Delhi with a writ petition for regularization of their services with the Corporation. It was claimed before the High Court that their services were engaged contrary to intentment of the Contract Labour (Regulation and

Abolition) Act, 1970 (in short the Contract Labour Act) and they may be declared employees of the Corporation. The writ petition was dismissed, vide order dated 8-11-01, with liberty to the contract labours to approach the industrial adjudicator. They took recourse to law and an industrial dispute was referred to this Tribunal, vide order No.L-22012/30/2003-IR (CM-II), New Delhi, dated 26-9-2003, with following terms:

"Whether the demand of the Contract Labours (list enclosed) engaged by the M/s.Great Ex-Servicemen Services Pvt. Ltd. The contractor, in relation to regularization of their services in the Food Corporation of India is legal and justified? If yes, to what relief these workmen are entitled and from which date?"

2. In the claim statement, it was pleaded that the claimants were engaged by the Corporation through its contractor(s) as security guards for guarding different premises. Claimants were selected by the Corporation and not by the contractor(s). The contract(s) entered into between the Corporation and not by the contractor(s) are only ruse/camouflage and on lifting the veil it would be noticed that direct relationship of employer and employees exists between the Corporation and the claimants. Claiming the job to be of perennial in nature, it has been prayed that the claimants may be declared to be employees of the Corporation.

3. Claim was demurred by the Corporation, pleading that there was no privity of contract between the claimants and the Corporation, since claimants were employees of the Contractor, namely, M/s. Great Ex-Servicemen (Pvt.) Ltd. A contract was entered into between the Corporation and the contractor for supply of security personnel for guarding the building where headquarter of the Corporation was located, besides its establishment at Delhi, New Delhi and NOIDA. The contract, so entered, is genuine. It was the contractor who was employer of the claimants, who used to decide their service conditions. Their wages and other allowances were paid by the contractor, who exercised administrative and disciplinary control over the claimants. Their claim for regularization was not maintainable.

4. On 6-12-2004 a complaint under Section 33A of the Industrial Disputes Act, 1947 (in short the Act) was moved, pleading that Prem Chand Pal, Bijender Kumar, Bach Singh Rawat, Baneshwar Singh, M.Bahadur, Satender Singh, T.K.Pathak, Avadh Bihari, Mahesh Chander, Vijay Kumar Tripathi, Bhuvan Chander, Sushil Kumar, Mitlesh Sharma, Nandram, Banspal and Rewat Singh, who were directly concerned in the dispute, were notified by the Contractor that their services were no more required with effect from 7-12-2004, since the Corporation has initiated process for award of contract for supply of security personnel afresh. It was claimed that change of

Contractor would have an effect of their replacement by another set of employees. It was agitated that their services were done away during pendency of the dispute for adjudication before this Tribunal.

5. The Corporation resists the complaint pleading that the Contractor was not a party to the dispute, hence the complaint is not maintainable. The complainants were not parties to the dispute, hence are not concerned workmen in that dispute. Since it cannot be said that their service conditions were changed by the Corporation, during pendency of the dispute, hence provisions of section 33A of the Act cannot be invoked. It has been claimed that the complaint may be dismissed.

6. Arguments were heard at the bar. Shri S.L. Kathpal, authorised representative, advanced argument on behalf of the complainants. Sh. Deepak Diwan, authorised representative, raised his submissions on behalf of the Corporation. I have given my careful considerations to the arguments advanced at the bar and cautiously perused the record. My findings on controversy raised in the complaint are as follows :

7. Whether complainants/claimants are workmen concerned in the dispute? For an answer to this proposition, it is expedient to construe the words "workmen concerned in such dispute" occurring in section 33 of the Act. A workman should not only be a workmen within the meaning of section 2(s), but should also be "concerned in the dispute" pending before an authority referred in the above section. In order to substantiate a claim of contravention of section 33 of the Act, the workman has to show that he was "concerned" with the pending dispute in any of the manners envisaged by the provisions of the above section. The above expression has been subject matter of conflicting judicial dicta since Bombay High Court in New Jehangir Vakil Mills Ltd. [1958 (II) LLJ 573] gave narrow meaning, while Madras High Court in Newton Studios [1958 (I) LLJ 63] and Andhra Pradesh High Court in Andhra Scientific Co. Ltd. [1959 (II) LLJ 717] put a broader construction on it. In New India Motors Pvt. Ltd. [1960 (I) LLJ 551] after considering the conflicting dicta, the Apex Court preferred the broader construction of the words. The Court ruled thus :

"In dealing with the question as to which workmen can be said to be concerned in an industrial dispute we have to bear in mind the essential condition for the raising of an industrial dispute itself, and if an industrial dispute can be raised only by a group of workmen acting on their own or through their union, then it would be difficult to resist the conclusion that all those who sponsored the disputes are concerned in it. As we have already pointed out, this construction is harmonious with the definition prescribed by S. 2(s) and with the provisions contained in S. 18 of the Act. Therefore, we are not prepared to hold that the expression "workmen concerned in such dispute"

can be limited only to such of the workmen who are directly concerned with the dispute in question. In our opinion, that expression includes all workmen on whose behalf the dispute has been raised as well as those who would be bound by the award which may be made in the said dispute".

8. In the above precedent, the Apex Court did not clearly indicate as to whether there should be any common feature in the two classes of disputes, one referred for adjudication and the other filed under section 33-A of the Act. But later on in Digwadih Colliery [1964 (II) LLJ 143] the Supreme Court clarified that "..... but, unless it is known as to what was the nature of dispute pending in the said reference, it would plainly be impossible to decide whether the respondent is a workman concerned within the meaning of section 33(2) of the Act". Combined effect of these two decisions would be that there must be some common feature in the nature of the dispute in the two cases which should serve as a connecting link thereby rendering the workman in the later case also "workmen concerned in the dispute" in the earlier case.

9. Now I would turn to facts. As detailed above, in the dispute referred for adjudication, a question is to be adjudicated as to whether the demand of the contract labours engaged by the Contractor in relation to their regularization in the services of the Corporation is legal and justified. The dispute, so referred, relates to question of regularization of contract labours in the services of the Corporation, decision on which question will affect the status of rest of the workmen. All the workmen would be bound by the award by virtue of section 18(3)(d) of the Act. It can also be said that the dispute on behalf of the workmen in general was raised and referred for adjudication. The claimants, herein, sail in the same boat in which the claimants, whose dispute was referred for adjudication, sail. Hence it is clear that the complaints/ claimants are workmen concerned in the dispute, which was referred for adjudication by the appropriate Government for adjudication.

10. Section 33 of the Act bars alteration in conditions of service "prejudicial" to the workman concerned in the dispute and punishment of discharge or dismissal when either is connected with pendentelite industrial dispute "save with the permission of the authorities before which the proceedings is pending" or where the discharge or dismissal is for any misconduct not connected with the pendentelite industrial dispute without the "approval of such authority". Prohibition contained in section 33 of the Act is two fold. On one hand, they are designed to protect the workman concerned during the course of industrial conciliation, arbitration and adjudication, against employers' harassment and victimization, on account of their having raised the industrial dispute or their continuing the pending proceedings and on the other,

they seek to maintain status quo by prescribing management conduct which may give rise to "fresh dispute" which further exacerbate the already strained relations between employer and the workman. Where industrial disputes are pendent before an authority mentioned in the section, it was thought necessary that such disputes should be conciliated or adjudicated upon by the authority in a peaceful atmosphere, undisturbed by any subsequent causes for bitterness or unpleasantness. To achieve this object, a ban has been imposed upon the employer exercising his common law, statutory or contractual right to terminate the services of his employees according to contract or the provisions of law governing such service. The ordinary right of the employer to alter the terms of his employees' services to their prejudice or to terminate their services under the general law governing contract of employment, has been banned subject to certain conditions. This ban, therefore, is designed to restrict the interference of the general rights and liabilities of the parties under the ordinary law within the limits truly necessary for accomplishing the object of those provisions. Anxiety to know about ban on the right of the employer, persuades me to reproduce the provisions of section 33 of the Act thus :

"33. Conditions of service, etc., to remain unchanged under certain circumstances during pendency of proceedings. -(1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall,-

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
- (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute. Save with the express permission in writing of the authority before which the proceeding is pending.

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with standing orders applicable to a workman concerned in such dispute or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman-

- (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding; or
- (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute -

- (a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceeding; or
- (b) by discharging or punishing, whether any dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending.

Explanation. - For the purposes of this sub-section, a "protected workman", in relation to an establishment, means a workman who, being a member of the executive or other office bearer of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

(4) In every establishment the number of workmen to be recognized as protected workmen for the purposes of sub-section (3) shall be one per cent of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the appropriate Government may make rules providing for the distribution of such protected workmen among various trade unions, if any, connected with the establishment and the manner in which the workmen may be chosen and recognized as protected workmen.

(5) Where an employer makes an application to a conciliation officer, Board an arbitrator a Labour Court, Tribunal or National Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, within a period of three months from the date of receipt of such application, such order in relation thereto as it deems fit.

Provided that where any such authority considers it necessary or expedient so to do, it may, for reasons to be recorded in writing, extend such period by such further period as it may think fit. :

Provided further that no proceedings before any such authority shall lapse merely on the ground that any period specified in this sub-section had expired without such proceedings being completed.

11. As noted above sub-sections (1) and (2) are designed for different purposes, since sub-section (1) applies to the proposition when the employer wants to alter service conditions of the workman to his prejudice in regard to any matter connected with the dispute or for any misconduct connected with the dispute, in that situation he is obliged to seek prior permission in writing of the authority before whom the dispute is pending and in a case where the employer wants to alter service conditions of a workman in regard to a matter not connected with the dispute or for any misconduct not connected with the dispute, in that situation he is obliged to seek approval of the order under sub-section (2) of the aforesaid section. When an employer violates the provisions of sub-section (1) or sub-section (2) of section 33 of the Act, an instant remedy is provided to the workman by the provisions of section 33A of the Act. In other words, where an employer has contravened the provisions of section 33, the aggrieved workman has been given the option to make a complaint in writing, to the authority before which an industrial dispute is pending, with which the aggrieved workman is concerned. The complaint of such contravention can be made not to the adjudicating authorities, but to the conciliatory authority also. If a complaint is made to a conciliatory authority, viz. a Conciliation Officer or a Board of Conciliation, clause (a) of section 33A of the act authorizes a Conciliation Officer or the Board to take such complaint into account in bringing about a settlement of the complained dispute. The Conciliation Officer or the Board is not empowered to adjudicate upon the dispute, which is the area of adjudicatory authorities. When a complaint is made to adjudicatory authority viz. Arbitrator, Labour Court, Tribunal or National Tribunal, it will adjudicate upon the dispute as if it is a dispute referred to or pending before it.

12. To attract the provisions of section 33-A of the Act, following conditions precedent are to be satisfied.

1. that there should have been a contravention by the management of the provisions of section 33 of the Act,
2. that the contravention should have been during the pendency of the proceedings before the conciliatory authorities or Labour Court, Tribunal or National Tribunal, as the case may be,
3. that the complainant should have been aggrieved by the contravention, and
4. that the application should have been made to the Labour Court, Tribunal or the National Tribunal in which original proceedings are pending.

13. Now it would be seen as to whether the claimants could satisfy above conditions. As facts go, services of the claimants were dispensed with by the Contractor. There cannot be a dispute to this proposition. As is evident, the Contractor was not a party to the dispute, referred by appropriate Govt. for adjudication. Question arises as to whether the Corporation was an employer within a meaning of section 33 and 33-A of the Act. The Apex Court considered the term "employer" as used in section 33 and 33-A of the Act, in SKG Suger Ltd. [1959 (I) LLJ 420] and ruled that the employer can be no other than the employer with whom the workers had the industrial dispute and cannot mean merely an employer who discharges or punishes or who alters the conditions of services of the workmen concerned, if the definition of word "industrial dispute" is also read alongwith the provisions aforesaid section. It was further ruled therein that the employer contemplated by sections 33 and 33-A of the Act must be identical employer, concerned in the industrial dispute, which is subject matter of adjudication. If the identity of the employer happens to be merely a nominee or benamidor of the former or that on the analogy of section 18(3)(c) of the Act he comes within the description of "his heirs, successors or assigns", the award would be binding on him.

14. Admitted facts tell that the claimants were employees of the Contractor and not of the Corporation. The claimants challenge the agreement entered into between the Corporation and the Contractor as sham or bogus. Their claim is that they may be declared employees of Corporation, besides being regularised in the services of latter. The Contractor is not a party to the dispute. It was not within his competence to seek permission/approval of Tribunal, in respect of the impugned action. These facts make it clear that the employer for the purpose of sections 33 and 33-A of the Act was the Contractor, who is not a party to dispute. Hence it cannot be said that the Corporation has contravened the provision of section 33 of the Act.

15. As defined by section 2(b) of the Contract Labour Act, the term "Contract labour" is a species of workman. A workman shall be so deemed when he is hired in or in connection with the work of an establishment by or through a contractor, with or without the knowledge of the principal employer. A workman may be hired : (1) in an establishment by the principal employer or by his agent with or without the knowledge of the principal employer; or (2) in connection with the work of an establishment by the principal employer through a contractor or by a contractor with or without the knowledge of the principal employer. Where a workman is hired in or in connection with the work of an establishment by the principal employer through a contractor, he merely acts as an agent so there will be master and servant relationship between the principal employer and the workman. But where a

workman is hired in or in connection with the work of an establishment by a contractor, either because he has undertaken to produce a given result for the establishment or because he supplied workman for any work of the establishment, a question might arise whether the contract is a mere camouflage as in Hussainbhai Calicut's case [1978(4) SCC 257] and in Indian Petrochemicals Corporation's case [J.T.1999 (5) S.C. 339], etc. if the answer is in the affirmative, the workman will be in fact an employee of the principal employer; but if the answer is in the negative, the workman will be a contract labourer.

16. As pleaded by the Corporation, claimants were hired by the Contractor to produce the given result for the Corporation. Such pleadings were also there before the High Court as well as the appropriate Government. Question referred for adjudication also confirms that they are employees of the Contractor. Till issue is answered in their favour, they cannot be termed as employees of the Corporation. Therefore this facet also makes it clear that even while using the provisions of the Contract Labour Act, they cannot be termed as employees of the Corporation at this preliminary stage, when complaint under reference was filed and entertained.

17. In view of these, the complaint is found not to be maintainable against the Corporation. As held above, the Contractor was under no obligation to seek permission of the Tribunal under section 33(1)(b) of the Act, on the date when impugned action was taken by him, which fact attacks at the bottom of the action of the claimants. Complaint is rejected, being not maintainable. An award is, accordingly, passed. It be sent to the appropriate Government for publication.

Dated : 19-8-2011

Dr. R. K. YADAV, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 2826.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलोर के पंचाट (संदर्भ संख्या 162/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-9-2011 को प्राप्त हुआ था।

[सं. एल-40012/144/95-आईआर (डीयू)]
जोहन तोपनो, अवर सचिव

New Delhi, the 12th September, 2011

S.O. 2826.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 162/97) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Department of Telecom and their workman, which was received by the Central Government on 12-9-2011.

[No. L-40012/144/95-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 18th February, 2011

Present : Shri S. N. Navalgund, Presiding Officer

C. R. No. 162/1997

I Party : Sri Nagaraja Sherigar,
C/o Sri K. Nagesh Kumar,
Sri Ganesh Prasad, Malemar,
Ashoknagar Post,
Mangalore-575006.

II Party : The General Manager,
Mangalore Telecom District,
Old Kent Road,
Mangalore-575 001.

APPEARANCES :

I Party : Sri J. Satish Kumar, Advocate

II Party : Shri Y. Hari Prasad, Advocate

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of sub-section (1) and sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 as referred this dispute vide Order No. 1-40012/144/95-IR (DU) dated 26-7-1996 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Mangalore Telecom District in terminating the services of Shri Nagaraja Sherigar is proper legal and justified? If not, to what relief the workman is entitled to?"

2. My learned predecessor after recording the evidence of both parties had passed an award along with other similar references and the said award challenged before the Hon'ble High Court came to be set aside and remanded for fresh trial.

3. Today, the learned advocate appearing for the first party filed Memo to the effect that I party being employed in Government Department he does not want to proceed with this matter and it may be disposed of as withdrawn. In view of this memo filed by the counsel for I party the reference is liable for rejection. Accordingly,

ORDER

The reference is rejected.

(Dictated to UDC in open court, transcribed by him, corrected and signed by me on 18th February 2011)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2011

का.आ. 2827.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार युनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/प्रम न्यायालय, बंगलौर के पंचाट (संदर्भ संख्या 58/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/75/1998-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 12th September, 2011

S.O. 2827.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 58/1999) of the Central Government Industrial Tribunal/Labour Court, Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Union Bank of India and their workman, which was received by the Central Government on 9-9-2011.

[No. L-12011/75/1998-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 12th August, 2011

Present : Shri S. N. Navalgun, Presiding Officer

C. R. No. 58/1999

I Party : Mr. Shivaji Kulkarni,
Union Bank Staff Association,
61, Mahalaxmi Layout, Nehru Nagar,
Gokul Road, Hubli-580030
Karnataka State

II Party : The Dy. General Manager,
Union Bank of India, Zonal Office,
Chandrakiran, 10/A, Kasturba Road,
Bangalore-560001

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section (1) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (14 of

1947) has referred this dispute vide order No. IL-12011/75/98-IR(B-II) dated 26/28th April, 1999 for adjudication on the following Schedule :

SCHEDULE

“Whether the action of the management of Union Bank of India in not filling up the identified third vacancy of computer operator in Hubli station, for which aptitude test was conducted and results were declared is justified? If not, to what relief the union is entitled to?”

“Whether the action of the management in not declaring the result of computer operator test conducted in 1995 and subsequently conducting the same test in 1997 is justified? If not, what relief the union is entitled to?”

2. After receipt of reference pursuant to notices were issued to the first party and the second party the first party appeared through its President and the second party through an advocate and they filed their claim statement and counter statement respectively.

3. In the claim statement filed by the President of the first party union it is asserted that in the light of the industry wise settlement on computerization the bank has issued few circulars staff Circular No. 3913 dated 23-10-1992, Staff Circular No. 4033 dated 22-11-1993, Staff Circular No. 4058 dated 3-3-1994 in relation to selection and appointment of ALPM/Computer Operators in the following forms : “From amongst the applicants, names of those who are willing and eligible as stated above will be listed in the order of station wise simple seniority without any weightage in the ration of 1 vacancy : 3 employees. The applicants listed above would be administered an aptitude tests and a panel in accordance with the station wise simple seniority will be prepared of the successful candidate. The panel of successful candidates will be valid and operative till such time it is exhausted for a period of 2 years, whichever is earlier”. It is further asserted that in the year 1995 the bank identified two posts of Computer operators in Hubli station and Belgaum station respectively and conducted aptitude test but did not declare result of the test inspite of union writing several letters. As results were not declared of examination conducted in 1995, Shri Ashok Gumaste, a candidate of 1995 examination again appeared for the test conducted in 1997 pursuant to which a call letter for appearing the test was given to him and when he went to Bangalore to appear for the test he was not allowed to appear for the test conducted in 1997 and sent him back and it has been stated that result of 1995 examination was declared vide letter dated 13-11-1997 along with the result of examination conducted in 1995 and as per the letter Mrs. G. Rao and Mr. A. Gumaste of Belgaum station were declared successful. It is further asserted if the bank had declared result of the examination conducted in 1995, within a reasonable time the successful candidate

would have got posting a Computer Operator in 1995 and allowance of that post. Due to negligence and carelessness of the management successful candidates could not get appointment to the post of computer operator in time and lost special allowance attached to that post and successful candidates incurred loss due to the negligent attitude of the management. It is further asserted that in 1997 the bank identified three vacancies of Computer Operators for Hubli Station and held aptitude test for selection of computer operators on 29/30-6-1997 and declaring result was unreasonably delayed till 13-11-1997 and as per that result 7 candidates passed for Hubli station and their list was prepared on the basis of station wise seniority list as under :

1. Mrs. S.R. Watcha
2. Mr. K.S. Madangopal
3. Mr. B. V. Pai
4. Mr. K. K. Kulkarni
5. Mr. R.M. Mallya
6. Mr. R.V. Raichur
7. Mrs. Rohini K. Rao

It is further asserted that when the bank identified 3 vacancies at Hubli it clearly means there were 3 permanent vacancies of computer operator as such bank cannot identify vacancies without having posts as per staff circular No. 3913 dated 23-10-1992 which clearly states that "the process of filling up the posts attracting special allowance shall start within one month from the date of arising vacancy and steps will be taken to fill up the same as early as possible. It is further asserted that the bank installed computers for 3 identified posts at Hubli and filled in two posts of computer operators by giving appointment to first two senior most employees and third identified vacancy was filled in by giving appointment to Shri B.V. Pai, the third senior most employee. The bank did not fill up third post by giving appointment to him because he did not belong to majority union but to NOBW and that appointment to Shri B. V. Pai member of NOBW has been delayed due to pressure from majority union to whom appointment of computer operator was required to be given w.e.f. 1-10-1997. It is further asserted that when two candidates have passed for Belgaum station in 1995 the management should have appointed them and that after conducting test for new identified posts but it deliberately and intentionally committed mistake in conducting test in 1997 without declaring result for test conducted in 1995 for the post identified in 1995 for which two candidates have passed. Thus the action of the management in not giving appointment to Shri B. V. Pai for third vacancy and conducting test for Belgaum station in 1997 without declaring result of test conducted in 1995 for Belgaum station is improper, unjustified and illegal. With these assertions it is prayed —

- (1) To direct the bank to fill up third identified vacancy of Computer operator and issue orders to B. V. Pai from 1-10-1997 and pay special allowance to him from 1-10-1997 onwards.
- (2) To declare the action of respondent management in not filling of third vacancy, in non declaring results of 1995 and 1997 test of computer operator in Hubli Station as illegal, null, void, ab-initio.
- (3) To direct the bank not to indulge in acts of partiality discrimination, favouritism on the basis of the membership of any union and to treat all employees on equal footing.
- (4) To pass any order deemed fit in the interest of justice.
- (5) To grant Rs. 10,000 to the Union, the cost of the suit.

4. Inter alia in the counter statement filed for the second party it is contended that there does not exist a 3rd vacancy of Computer Operator in Hubli station for the second party to justify the alleged action of not filling up the said vacancy and that even otherwise the reference has become infructuous as on the basis of the circular released by it as per which aptitude tests were held, two clear vacancies in one of the branches at Hubli were filled by appointing Shri K. S. Madanagopal and S.R. Watcha. It is further contended that in view of computer being introduced in the business of banking the second party on the basis of introducing several circulars in consultation with the unions, for the first time in 1994 called for appointment of Computer Operators within the bank whereby the employees of bank as such could be appointed as Computer Operators and accordingly the appointment of Computer Operator in respect of clear vacancies were identified and filled as such the second point of dispute does not survive for consideration as well since no test for the post of Computer Operators was conducted during 1995 and that test for the post of Computer Operators in Karnataka was held for the first time in 1997 and based on the vacancies vis-a-vis the branches being computerized candidates were selected and posted as Computer Operators. It is further contended that the second party having two branches at Hubli only one branch was decided to be computerized and in this regard three vacancies were identified and considering the need out of the 3 vacancies identified, 2 computer operators were posted based on the interview and aptitude test from the list of empanelled candidates found successful in the aptitude test for selection of computer operators held on 30-6-1997 and even as on that day only one branch out of two at Hubli has been computerized and the said two employees alone continue to work in the said branch. The number of computer operators in the branches

has remained the same and has not increased. It is further contended that the computerization of various branches in particular Hubli branch is an administrative matter the union is not entitle to press upon the management to fill up the vacancies as per their wish.

5. After completion of the pleadings on behalf of the second party/management three witnesses namely S/Shri Sanjeev witnesses Chandrashekhar, Manager, M.S. Ningappa, Sr. Manager and M.R. Sampath, Senior Manager came to be examined a MW1, MW2 & MW3 respectively. Inter alia on behalf of the first party union the affidavit of S/Shri Balakrishna Pai, Clerk, Mangala Kundapur, Clerk and Shri Sivaji & S. Kulkarni, Clerk came to be filed but inspite of providing number of opportunities since they did not appear and subjected themselves for cross-examination their evidence has been discarded. It appears from the order sheet/proceedings maintained in this reference the first party union having regard to the evidence brought on record through three witnesses for the management lost hope of its success in the reference and abandoned from participating in the proceedings. In the cross examination of management witnesses for the first party Union nothing has been elicited to disbelieve/reject their testimony, which is in support of the contention of the management, I find no justification in the claim put forward by the first party union. Accordingly I arrived at the conclusion of rejecting the reference. In the result, I pass the following award:

AWARD

The reference is rejected holding that the impugned action of the management being justified.

(Dictated to PA transcribed by her corrected and signed by me on 12-8-2011)

S. N. NAVALGUND, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2011

का.आ. 2828.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कॉर्पोरेशन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-2/88 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[स. एल-12011/39/2005-आईआर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th September, 2011

S.O. 2828.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Part-II (Ref. No. CGIT-2/88 of 2005) of the Central Government Industrial Tribunal/Labour Court-2, Mumbai now as shown in the Annexure in the industrial dispute between the employers

in relation to the management of Corporation Bank and their workmen, which was received by the Central Government on 1-9-2011.

[No. L-12011/39/2005-IR (B-II)]
RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : K.B. KATAKE, Presiding Officer

REFERENCE NO. CGIT-2/88 of 2005

Employers in Relation to the Management of Corporation Bank

The Chief Manager,
Corporation Bank,
Head Office,
Mangaladevi Temple Road,
Mangalore-575 001.

AND

Their Workmen.

Shri K. A. Gopal,
Bimanna Compound,
Bettamakkai New Colony,
Post Seebinakere,
Thirthahalli Tk.
Distt. Shimoga,
Karnataka State.

APPEARANCES :

For the Employers	:	Mr. P.J. Kamat, Advocate.
For the Workman	:	Mr. Shivraj Gaonkar, Advocate.

Mumbai, dated the 25th July, 2011

AWARD

The Government of India, Ministry of Labour and Employment by its Order No.L-12011/39/2005-IR (B-II), dated 20-6-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of Corporation Bank in terminating Shri K.A. Gopal, Janta Deposit Collector from service w.e.f. 21-4-2003 is legal and justified? If not, to what relief the workman is entitled for ?”

2. After receipt of the reference from Ministry, both the parties were served with notices. They appeared through their respective representatives. The second party workman filed his statement of claim at Ex-12. According to him, the management of first party appointed as Janta Deposit Collector by their order dated 5-8-1980. He was working at their St. Jose De Areal Branch. According to

him, he was working sincerely. Due to his sincere work and hard effort, the deposit collection was increased about 10 to 15 lakhs Rupees. He used to collect the deposit. So also he used to write ledger and make entries in the accounts Book. In the year 2003 the newly transferred manager was against him. He did not like the fact that workman was getting huge amount by way of commission. The new Manager had desire to appoint person of his wish and choice at the place of the workman. Therefore the Manager implicated him in a false case. False Charge sheet was served on him dated 13-2-2002. After receipt of the charge sheet the workman in good faith met the Branch Manager. She assured him to drop the charge sheet in case he admits the charges. The Branch Manager prepared a draft in her own handwriting and the workman put his signatures thereon as the Branch Manager had assured to drop the charges and the action initiated against him.

3. According to the workman, the first party conducted inquiry by way of mere formality. He was not allowed to defend himself properly. There was violation of principles of natural justice. According to the workman, the charges leveled against him are false and fabricated. He has not admitted the charges. He was not allowed to take part in the inquiry. As per the report of the inquiry officer his service was terminated. Therefore he has raised the industrial dispute before ALC. As conciliation failed, ALC made a report to Labour Ministry. The workman therefore prays for declaration that termination of his service be declared illegal, improper and unjustified. He also prays to direct the first party to reinstate him with full back wages with continuity of services and also prays for cost.

4. The first party Management resisted the statement of claim vide its written statement at Ex-16. According to them, since 5-8-1980, the workman was engaged as Janta Deposit Collector at St. Jose De Areal Branch Goa. There was contract to that effect between the parties. They denied that the workman was working in the branch and used to write the ledger book or taking entries therein. There was no employee-employer relationship between the workman and the first party. He used to collect deposits merely on commission basis. He was not paid any wages by the Bank. Therefore, according to them the reference is not tenable.

5. First party further contended that there were number of complaints against the second party in respect of misappropriation of amount and in respect of raising demand loans without consent and knowledge of depositors and utilising amount for his personal gains. Therefore he was served with charge sheet. The second party willfully accepted the charges. They denied that Branch Manager had asked him to admit the charges and assured to drop the charge sheet and the inquiry proceeding. According to them, he was given fair opportunity to defend himself in the inquiry proceeding.

The inquiry officer has recorded the evidence and submitted his report to the disciplinary authority. The disciplinary authority issued show cause notice to the workman. After hearing him they terminated the service contract of second party as a Janta deposit collector. In fact workman was a pigmy agent and not employee of the Bank. For all these reasons they pray that the reference be dismissed with cost.

6. In the light of rival pleadings of the parties following issues are framed for my determination. I record my findings thereon for the reasons to follow:

Sr. No.	Issues	Findings
1.	Whether the inquiry is fair and proper and whether the findings therein are just and proper?	Yes.
2.	If yes, whether the punishment is adequate?	Yes.
3.	Whether the party no. 2 is workman within the meaning of Section 2 (s) of I.D.Act?	No.
4.	What relief the workman is entitled to?	No relief.
5.	What order?	As per order below.

REASONS

Issue No. 1 :-

7. In this respect the Ld. Adv for the first party pointed out that the second party workman has admitted in his cross at Ex-20 that there were complaints against him made by various depositors. In his cross he has admitted his handwriting and signatures on the four letters at Ex-29 (coll) by which he has admitted the allegations leveled in the charge sheet. From these letters Ex-29, his version in the statement of claim Ex-12 proved to be false that the contents in the letters of admission were in the handwriting of the Branch Manager. Workman has admitted in his cross that he was served with the charge sheet dt. 13-2-2002. He admitted that inquiry was fixed at Mangalore and he attended the inquiry on 27-3-2003. He admitted that page 5 of Ex-19 bears his signature wherein he has admitted the charge. He has admitted that chief manager had called him and had given personal hearing on 17-4-2003. He also admitted that he did not make any complaint to anybody for obtaining his signature forcibly. He admitted that after completing the inquiry copy thereof was served on him. Even thereafter he did not make complaint against the Inquiry Officer or against anybody.

8. From these admissions of the second party in his cross-examination and in the light of the letters Ex-29 and letter of admission Ex-19 signed by the workman, it is clear that workman had admitted the charges leveled against him. He has also admitted that there were complaints

against him for misappropriating the amount of deposit of various depositors. He was present before the inquiry officer. After completion of inquiry he was served with the inquiry report. The Chief Manager had given him personal hearing. Thereafter his contract was terminated. In the circumstances it cannot be said that there was violation of principles of natural justice as has been alleged. On the other hand it seems that fair and proper opportunity was given to the second party to defend himself and inquiry officer has arrived at the right conclusion. Therefore neither inquiry can be called unfair nor findings of the inquiry officer can be called perverse. Accordingly I decide this issue No.1 in the affirmative.

Issue No. 2 :-

9. In this respect though workman claims that he is employee of the first party Bank, from his own pleading in the statement of claim it is clear that he is not a salaried employee of the Bank. He has admitted in his cross at Ex. 20 that he was appointed as Janta Deposit Collector and he has signed the agreement to that effect. He has contended in the statement of claim at Ex. 12 that monthly collection of the Bank was Rs. 10 to 15 lakhs and due to high commission he was receiving, newly transferred Manager was against him. He has not claimed that he was salaried employee of the Bank. He was collecting deposit on commission basis there was agreement to that effect. When the Bank found that there were number of complaints of the depositors against the second party for misappropriation of amount of deposits, therefore, Bank has served him with a charge sheet and appointed Enquiry Officer. On the basis of report of the Enquiry Officer the Bank has terminated the contract of the second party as Janta Deposit Collector. Such termination of contract cannot be said termination of service of second party. When there were complaints of misappropriations and inquiry officer found substance therein the charge was serious. It was directly related to the reputation and business of the Bank. Person dealing with collection of deposit is not expected to indulge in such things. Services of such persons need to be stopped. Thus, the punishment awarded by the management of terminating the service contract of collecting deposit cannot be said disproportionate to the alleged misconduct. Hence, I hold that the punishment is proportionate to the misconduct. Accordingly, I decide this Issue No. 2 in the affirmative.

Issue No. 3 & 4 :-

10. In the case at hand as per the pleadings in the statement of claim Ex.12, it is clear that the second party is not salaried employee of the first party Bank. On the other hand according to the second party he was appointed as Janta Deposit Collector and was getting commission on the deposits collected by him. Therefore, the second party cannot be called worker within the meaning of Sec.2(s) of I.D.Act. He was of a pigmy agent appointed merely to

collect deposit on commission basis. Neither he can be called workman nor the dispute can be entertained under Industrial Disputes Act. It was a contract between the two parties in respect of collecting deposit. As there were complaints of misappropriation of amount of deposits against the second party, therefore, the first party appointed Enquiry Officer and when they found there was substance in the complaints, the first party has terminated the contract of the second party. If second party had any grievance for breach of contract etc. he could have pursued the matter before appropriate authority. The dispute does not fall in the ambit of I.D. Act as second party is not a workman and there is no relation of employee-employer between them. Infact in this matter preliminary issue ought to have framed to decide the point whether the second party was workman and whether there exists employer-employee relation between the parties. As all the issues were already framed, there was no option to decide the reference merely on preliminary issue. Therefore I discussed and decided all the issues. Furthermore, it is held in Issues No.1 and 2 above that inquiry and findings of Enquiry Officer are fair and proper, the punishment is held proportionate to the misconduct. The second party is also not a workman. In this backdrop I hold that, the second party is not entitled to the relief of reinstatement or to any other relief under I.D. Act. Accordingly I decide these issues No.3 & 4 in the negative and proceed to pass the following order:-

ORDER

The Reference is dismissed with no order as to costs.

Date: 25-7-2011

K. B. KATAKE, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2011

का.आ. 2829.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकारण/श्रम न्यायालय, पुणे (महाराष्ट्र) के पंचाट (संदर्भ संख्या 20/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/58/2009 आईआर (बी-II)]
रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th September, 2011

S.O. 2829.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2009) of the Central Government Industrial Tribunal/Labour Court, Pune (Maharashtra) as shown in the Annexure in the industrial dispute between the

management of Central Bank of India and their workman, which was received by the Central Government on 1-9-2011.

[No. L-12011/58/2009-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL COURT, MAH. AT PUNE

Reference (I.T.) No. 20/2009

Between :

Deputy General Manager,
Central Bank of India,
M. G. Road, Zonal Office, Pune
Pune-411 001

...First Party

And

Secretary;
Central Bank Employees Congress,
1768, Moti Manik Mansion,
Shukrawar Peth, Laxmi Road,
Pune-411 002

...Second Party

PRESENT : Shri M. G. Choudhary, Presiding Officer,

APPEARANCES : - Both Parties Absent.

EX-PARTES AWARD

(Date : 30-7-2011)

Government of India through Ministry. of Labour vide Order Dt. 12-10-2009 in exercise of powers conferred u/s. 10(1)(d) and Sub Sec.- (2A) of Sec.-10 of Industrial Disputes Act, 1947 referred following industrial dispute mentioned in the Reference order between the above named parties for adjudication which reads as under,

"Whether the action of the management of the Central Bank of India regarding transferring the candidate on promotion by deviating from the promotion policy of Award staff (PPA) is legal and justified? What relief should be provided to him?"

2. Vide report Exh. O-2 and notice Exh. O-1, the Second Party Union duly served still not appeared. Considering the Reference is old, hence Reference is liable to be rejected for want of prosecution and Statement of Claim, hence the Award.

AWARD

- (1) Reference (I. T.) No. 20/2009 stands rejected.
- (2) No Order as to costs.
- (3) Award accordingly
- (4) Copy of this Award be sent to the Government for necessary action.

Pune

Date :- 30-7-2011

M. G CHOWDHARY, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2011

का.आ. 2830.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-1, मुम्बई के पंचाट (संदर्भ संख्या सीजीआईटी-1/02 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[स. एल-31011/23/2003-आईआर (नी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th September, 2011

S.O. 2830.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT-1/02 of 2005) of the Central Government Industrial Tribunal/Labour Court-1, Mumbai, now as shown in the Annexure in the industrial dispute between the management of Mumbai Port Trust and their workman, which was received by the Central Government on 1-9-2011.

[No. L-31011/23/2003-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL NO. 1,

MUMBAI

JUSTICE G. S. SARRAF, Presiding Officer

REFERENCE NO. CGIT-1/02 OF 2005

Parties : Employers in relation to the management of Mumbai Port Trust

And

Their Workmen

APPEARANCES:

For the Management : Shri Anchand, Adv.

For the Union : Shri A. M. Koyande, Adv.

State : Maharashtra

Mumbai dated the 5th day of August, 2011.

AWARD

This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section (1) and sub-section (2-A) of the Section 10 of the Industrial Disputes Act 1947 (hereinafter referred to as the Act). The terms of reference given in the schedule are as follows :

"Whether the demands made by the Transport and Dock Workers' Union, Mumbai in their demand notice dated 27-2-2003 served on the management of Mumbai Port Trust is justified? If so, what relief the workmen concerned represented by the union entitled to?"

According to the statement of claim the present industrial dispute has arisen because the MbPT has given notice dt. 23-2-2001 expressing its intention to effect change in the working hours of the security guards from 8 hours per day to 8½ hours per day and from 48 hours per week to 51 hours per week. The Union filed writ petition no. 2961 of 2002 in Honourable Bombay High Court which was dismissed on 10-2-2002 stating therein that the Union has adequate remedy under the Act. The Union has, therefore, raised this dispute. According to the statement of claim vide Trustees' Resolution no. 996 of 1964 it was decided that the Watch and Ward Staff in the various Port Trust Departments should be integrated into a single cadre and consequently a separate security department was created by the Trust Resolution in 1996 and shift-wise working hours of the security guards were fixed as under:

First shift	00.00 Hrs.	16.00 Hrs.
Second shift	16.00 Hrs.	24.00 Hrs.
Third shift	00.00 Hrs.	08.00 Hrs.

The security guards were paid overtime wages for the excess work done by them at the double rate from 1996 till 15-3-2001. By Notice of change dt. 23-2-2001 the security guards were asked to join the duties half an hour in advance i.e. 15-3-2001. Thus they were asked to carry out their duties shift-wise as follows :

First shift	07.30 Hrs.	16.00 Hrs.
Second shift	15.30 Hrs.	24.00 Hrs.
Third shift	23.30 Hrs.	08.00 Hrs.

According to the statement of claim a settlement was entered into between five recognized All India Port and Dock Workers' Federations and the managements of major port under Section 12(3) of the Act on 2-8-2000. As per clause 19 of the settlement it was agreed that if any employee was asked to work beyond prescribed working hours overtime allowance would be paid as per relevant law. As per clause 36 of the settlement the management agreed "Merely as a consequence of the implementation of the settlement any facility, privilege, amenity, right, benefit, advantage or otherwise or concession to which an employee or category of employees might be entitled by way of any award, practice or usage shall not be withdrawn, reduced or curtailed, except to the extent or manner as explicitly provided for in this Settlement". According to the statement of claim increase in working hours from 8 hours per day to 8½ hours per day and 48 hours per week to 51 hours per week was opposed by MbPT Dock and General Workers Union of which the security guards were members at that time. Without any regard to the settlement arrived on 2-8-2000 the management not only changed the working hours of the security guards adversely but at the same time withdrew the benefit of half an hour overtime wages. The change in service condition of the security guards is an blatant breach of the settlement dated

2-8-2000. A settlement can be changed by another settlement only and not by giving notice of change. The MbPT cannot change the working hours by merely giving notice of change without passing fresh resolution in the meetings of Board of Trustees and without getting approval of the same by the Central Government. According to the statement of claim the recess period in the middle of the shift is required to be specific and the worker should be free to use the rest interval as per his requirement. The flexible lunch hours cannot be treated as lunch interval because when the security guard is required to be on duty he cannot be deemed to be on rest interval. The security guard has to be alert all the time. The said flexible half an hour lunch recess is not in consonance with the concept of rest interval as provided in the Minimum Wage Act, 1948, and Factory Act, 1948. It has, therefore, been prayed that the Notice of change dt. 23-2-2001 be set aside and it be held that the workmen are entitled to get overtime wages.

The first party has submitted written statement wherein it has been stated that by Notice of change dt. 23-2-2001 the management has not increased the duty hours of the workmen and that shift hours are the same. Prior to the notice of change duty hours were as under:

First shift	07.30 A.M.	to	04.00 P.M.
Second Shift	03.30 P.M.	to	12.00 Midnight
Third shift	11.30 P.M.	to	08.00 A.M. next day.

8 hours normal duty and ½ hour lunch break with overtime subject to exigency of work. After notice of change the duty hours are as under :

First shift	07.30 A.M.	to	04.00 P.M.
Second Shift	03.30 P.M.	to	12.00 Midnight
Third shift	11.30 P.M.	to	08.00 A.M. next day.

Total 8 hours duty plus half hour flexible lunch break. In 8½ hours half hour is treated as flexible lunch hour break/recess for which the workmen are not entitled to overtime. Whenever the workmen are required to perform duties beyond 8½ hours they are invariably paid overtime wages as per rules. According to the written statement the declining cargo traffic at Mumbai Port and the increase in expenditure of establishment due to wage revision of employees various measures were taken to curtail avoidable expenditure such as payment of irrational overtime wages. The category of security guards among may others were drawing overtime wages for working half hour during recess. It was decided in all fairness to allow the security guards to avail flexible recess of half hour to take meals at the place of their work. It has also been stated that overtime cannot be claimed as a matter of right. The lunch recess is not reckoned as duty for the purpose of overtime. According to the written statement the workmen are not entitled to any relief.

Following issues have been framed :

- (1) Whether the notice of change given by the management of MbPT is legal?
- (2) Whether the management of MbPT can implement the same only on the basis of the notice of change dated 23-2-2001?
- (3) Whether the demands made by Transport and Dock Workers Union, Mumbai vide demand in notice dated 27-2-2003 are justified?
- (4) Whether the workmen are entitled to claim the overtime wages for half an hour w.e.f. 15-3-2001?
- (5) To what relief are the workmen entitled?

Affidavits of R.M. Murphy and Mohan Shankar Parab have been filed on behalf of the union who have been cross-examined by learned counsel for the first party and the first party has filed affidavit of Shyam Sunder Gopal Shenoy who has been cross-examined by learned counsel for the union.

Heard Shri A. M. Koyappa learned counsel for the Union and Shri M. B. Anchani learned counsel for the Management.

Issues Nos. 1 and 2 : The notice of change appears to have been issued in accordance with the provisions of Section 9-A of the Act. The notice does not suffer from any illegality or infirmity. I fail to understand how the notice is illegal. Learned counsel for the union has not shown any law where under the notice may be termed as illegal. As such the management is free to implement the notice. Issues nos. 1 and 2 are, therefore, decided in favour of the first party.

Issues Nos. 3 and 4 : The union has raised the following four demands vide demand notice dt. 27-2-2003.

Demand No. 1: The notice of Change dated 23-2-2001 given by the Management should be withdrawn retrospectively with effect from the date of its implementation i.e. 15-3-2001.

Demand No. 2 : The Management should maintain the working hours of the Security Guards as they were before 15-3-2001.

Demand No. 3 : The Management should pay the Security Guards overtime wages in the same way and manner as it was paid before 15-3-2002 for excess work of overtime.

Demand No. 4 : The Management should pay the arrears in respect of overtime wages to all the concerned Security Guards for the overtime work done by them w.e.f. 15-3-2001 along with interest at the rate of 18% per annum.

There is no good ground for the management to withdraw the notice of change. If the notice is legal as has been held while deciding Issues Nos. 1 and 2, then the management is not under an obligation to withdraw the notice.

It is not clear to me that why the management should maintain the working hours of the security guards as existed before 15-3-2001. If the management has changed the service conditions of the security guards after giving legal and proper notice then how can the management be directed to maintain the position that existed prior to 15-3-2001. As a matter of fact working hours are the same and there is no change in working hours. It is only the overtime which has been stopped for half an hour flexible lunch recess.

Under Section 14(1) of the Bombay Shops and Establishments Act, 1948 no employee shall be required or allowed to work in any shop or commercial establishment for more than 9 hours in any day and 48 hours in any week. By notice of change the Security Guards have been directed to observe the following shift timings.

First shift 0730 Hours to 1600 Hours	}	Each shift shall comprise of
Second shift 1530 Hours to 2400 Hours		8½ hours including half an hour
Third shift 2330 Hours to 0800 Hours		flexible lunch recess in the month

at the place of work.

Here the duty hours do not exceed 8 hours in a day and 48 hours in any week. Half an hour has been given for flexible lunch recess. Lunch recess cannot be reckoned as duty hour. There is no law which imposes a duty on the first party to pay overtime for flexible lunch recess. I do not agree with learned counsel for the union when he says that recess period cannot be flexible and it has to be fixed. In my opinion the recess can be either fixed or flexible provided it is in accordance with the provisions contained in Section 15 of the Bombay Shops and Establishments Act. I do not see any violation of any legal provision. I am, therefore, of the opinion that the security guards are not entitled to overtime for the flexible lunch recess period of half hour in a day as it was paid to them before 15-3-2001.

In view of the above discussion I have come to the conclusion that the demands made by the union vide notice dated 27-2-2003 are not justified and the security guards (workmen) are not entitled to claim overtime wages for half an hour w.e.f. 15-3-2001.

Issues nos. 3 and 4 are, therefore, decided against the workmen.

Issue No. 5 : Since Issues nos. 1 to 4 have been decided against the workmen as such the workmen are not entitled to any relief.

An Award is made accordingly.

JUSTICE G. S. SARAF, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2011

का.आ. 2831.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/अप्रभाव न्यायालय नं. 2, मुम्बई के पंचाट पार्ट-1 (संदर्भ संख्या सी जी आई टी-2/101ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-9-2011 को प्राप्त हुआ था।

[सं. एल-12011/54/2005-आईआर (बी-II)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 13th September, 2011

S.O. 2831.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Part-I (Ref. No. CGIT-2/101 of 2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 1-9-2011.

[No. L-12011/54/2005-IR (B-II)]

RAMESH SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT

K.B. KATAKE, Presiding Officer

Reference No. CGIT -2/101 of 2005

Employers in Relation to the Management of Bank of India

The Deputy General Manager
Bank of India
Mumbai South Zone
BOL Building
70-80, M.G Road
Fort,
Mumbai-400 023.

AND

Their Workmen.

Smt. Kashmira H. Kulkarni
Plot No. 101, Flat No. 4
Maya, Shere-Punjab
Andheri (E)
Mumbai 400 093.

APPEARANCES:

For the Employer : Mr. L. L. D'Souza, Representative.

For the Workmen : Mr. J. H. Sawant, Advocate.

Mumbai, dated the 28th July 2011

AWARD PART-I

The Government of India, Ministry of Labour & Employment by its Order No. L-12011/54/2005-IR (B-II), dated 22-8-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of India, Mumbai South Zone, Mumbai in imposing the compulsory retirement punishment to Smt. Kashmira Kulkarni w.e.f. 21-9-2004 is justified? If not, what relief the workman is entitled to?"

2. After receipt of the reference from Ministry, in response to the notices, both the parties appeared in the proceeding. The second party workman Smt. Kashmira H. Kulkarni has filed her statement of claim at Ex-7. According to her, she was recruited by the management of the first party as a staff clerk. Since 3rd Sept. 1984 she was working in the Bank. She was a permanent worker of the bank. The Chief Manager, Bank of India, Mumbai has initiated disciplinary proceeding against her for the alleged misconduct committed by her, while posted at Bank of India, Opera House Branch and thereafter at Mumbai Drafts Payable Branch.

3. Because of mental depression, the workman could not understand the consequences of departmental inquiry proceedings held against her and she admitted the charges before the inquiry officer under the impression that the inquiry officer would find out the facts and exonerate her from the charges. The workman used to inform the management about her illness from time to time. They had advised her to get examined from Bank's Medical Officer, Dr. Raval and on his recommendation medical check-up was done in the state run G.T. Hospital, Mumbai. The workman was sanctioned leave for the period of her illness. In the meantime Chief Manager and the Disciplinary authority continued with disciplinary proceeding. They had issued her showcause notice dated 17-8-2004. On 14-9-2004, the workman denied the charges explained to her. Though the workman had denied the charges, the disciplinary authority held her guilty and awarded punishment of compulsory retirement with superannuation benefits with immediate effect. Her appeal was also not considered by Assistant General Manager. Therefore, she raised industrial dispute. The dispute could not be settled due to adamant attitude of the management. Therefore, the A.I.C (C) reported the matter to Ministry for the reference. The workman therefore prays that the action of the management imposing punishment of compulsory retirement be

declared illegal, unfair, improper and unjustified and the workman be reinstated in service with full backwages and all attendant benefits.

4. The first party management resisted the claim vide its written statement Ex-8. According to them, while working at Opera House Branch from 1999 to 2003 and thereafter at Draft Paying Branch, the workman concerned committed following acts of misconducts:

(1) The workman managed to close her S. B. A/c. No.11155 with Banks Chakala Branch, Andheri on 3-3-1999 without surrendering the cheque books and utilized cheque therefrom towards re-payment of loan of Rs.90,000, she has availed subsequently from Pradeep Kantilal Bhuta and another so much so when the cheque was presented in clearing by Bank of Baroda, Vile Parle Branch, it had to be returned unpaid for the reasons 'account closed'. The workman not only acted dishonestly but also tarnished the image of the bank.

(2) While working with Opera House Branch she used to issue cheques without keeping funds in her account and also neglected in managing the payment before the date the cheque reaches for encashment and cheque has to be returned unpaid for reasons 'insufficient funds'. Some six such instances are given in the written statement. It amounts to offence under Sec. 138 of Negotiable Instrument Act.

(3) The workman was maintaining O. D. A/c. No. 5822 against NSC at Branch Churchgate Branch. The outstanding debit balance in this account on 11-2-2004 was Rs.80,615 against drawing limit of 80,000 despite the workman drew a cheque of Rs.10,000 in favour of F. Oswal payable on 11-2-2004. The said cheque had to be returned unpaid for the reason of 'exceeding arrangement'. It also amounts to dishonesty, lack of integrity and offence under Sec.138 of N.I. Act.

5. For the aforesaid charges, the Bank has decided to hold an inquiry and chargesheet was issued to the second party. Shri D.P. Kango was appointed as Inquiry Officer. Alongwith chargesheet, copies of all the documents alongwith list was given to the workman.

6. The second party workman appeared before the Inquiry Officer. The Inquiry Officer explained the charges levelled against her. She admitted all the charges levelled against her and pleaded guilty. The Inquiry Officer after hearing her, proposed the punishment of compulsory retirement with retirement benefits. The disciplinary authority had issued showcause notice to the workman. She appeared before the disciplinary authority. After hearing the workman, the disciplinary authority passed the order of compulsory retirement. There is no violation

of principles of natural justice. Fair and proper opportunity was given to the second party by the inquiry officer and the disciplinary authority as well. The appeal of the second party was turned down by the appellate authority. There is no merit in the claim of the second party. Therefore, the first party prays that the reference be dismissed with cost.

7. Following are the issues for my determination. I record my findings thereon for the reasons to follow:

Sl-No.	Issues	Findings
1.	Whether the inquiry against the second party is fair and proper?	Yes
2.	Whether the findings of Inquiry Officer are perverse ?	No
3.	What order ?	As Per order below.

REASONS

Issue nos. 1 & 2 :—

8. It is the case of the second party workman that she was not given proper opportunity to defend herself and there was violation of principle of natural justice. According to her, she admitted the charges before the inquiry officer under the impression that the inquiry officer would find out the facts and hold her not guilty of alleged misconduct. She has also contended that she was suffering from mental depression and unable to understand the consequences of the departmental proceeding. Therefore she admitted the charges levelled against her. She further says that Disciplinary Authority issued a showcase notice to her dt. 17-8-2004. She appeared before disciplinary authority on 14-9-04 and denied the charges levelled against her. However disciplinary authority imposed punishment upon her dt. 21-9-2004 and she was punished to retire compulsorily with superannuation benefits with immediate effect.

9. In this respect the Ld adv. for the first party submitted that the workman has not disputed that she was served with the chargesheet. She also admitted that notice was issued to her by the inquiry officer. She appeared before the inquiry officer. She has not disputed that the inquiry officer explained all the charges levelled against her. She has also not disputed that before inquiry officer, she admitted all the charges levelled against her. She further submitted that as the second party has admitted all the charges, the inquiry officer has prepared the inquiry report and submitted the same to the disciplinary authority. She further submitted that the disciplinary authority issued showcause notice to the workman. She has admitted the said fact in her statement of claim at Ex-7. Second party appeared before disciplinary authority. From the version of the second party, in her statement of claim Ex-7, it is revealed that disciplinary authority had also given hearing to the second party on the point of punishment. In this respect Ld. Adv pointed out that it is contended in the

statement of claim Ex-7 that before disciplinary authority, she denied all the charges. However the disciplinary authority was not supposed to re-open the inquiry. They were supposed to hear the delinquent merely on the point of punishment. Therefore Ld adv submitted that there is no fault either in the inquiry proceeding or in the order of punishment passed by the disciplinary authority.

10. In this respect, Ld Adv. for the first party rightly pointed out that the second party workman did not led any oral or documentary evidence to show that she was suffering from any mental depression therefore could not understand the consequence of departmental proceeding and therefore she admitted charges before the inquiry officer under the impression that inquiry officer would find out the facts and would hold her not guilty of any misconduct. She has neither deposed on oath nor filed her affidavit. She has also not placed on record any medical evidence in support of her claim that she was either ill or under mental depression. The burden was on the second party to prove that she admitted the charges levelled against her as she was suffering from mental depression etc. The second party failed to discharge the burden by leading any oral or documentary evidence. On the point Ld adv for the first party resorted to Bombay High Court ruling reported in V.N.S. Engineering and Services Co. V/s. Industrial Tribunal, Goa Daman and Diu & Anr. 1987 II LLN 968 wherein the Hon'ble Court observed that;

"The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation, the test therefore, being that he who does not lead evidence must fail."

11. In the case at hand, the second party workman has not led any evidence in support of her case that she had admitted the guilt due to depression or due to some misunderstanding or misconception. In the circumstances, it cannot be said that there was violation of principle of natural justice. On the other hand, from the facts and circumstances on record, it is revealed that fair and proper opportunity was given to the second party by the inquiry officer. The charges were explained to her. She unconditionally admitted all the charges before the inquiry officer. Therefore he held her guilty and submitted his report to the disciplinary authority. Disciplinary authority had also given her an opportunity of being heard. In short the version of the workman in her statement of claim is devoid of merit. Thus I hold that the inquiry is fair and proper. Consequently, I also hold that the findings of Inquiry Officer cannot be called perverse. Accordingly I decide this issue no.1 in the affirmative and Issue no.2 in the negative. Thus I pass the following order:

ORDER

The inquiry and findings of inquiry officer against the second party workman are hereby declared fair and proper.

Whether punishment is proportionate to the misconduct is the question of law. The issue can be decided in the light of precedents laid down by Hon'ble Apex Court and High Court. Infact there is no scope for oral or documentary evidence on this issue.

The parties are directed to remain present on 3-10-2011 at 11.00 a.m. for arguments on the point of punishment.

Date: 28-7-2011

K. B. KATAKE, Presiding Officer/Judge

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2832.—ऑद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलडम हाइड्रो इलैक्ट्रिक पॉवर प्रोजेक्ट, एनटीपीसी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ऑद्योगिक विवाद में केन्द्रीय सरकार ऑद्योगिक अधिकरण/श्रम व्यायालय नं. -II, चंडीगढ़ के पंचाट (संदर्भ संख्या 92/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-42012/132/2010 आईआर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th September, 2011

S.O. 2832.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.92/2011) of the Central Government Industrial Tribunal-cum-Labour Court No.II, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the management of Koldam Hydro Electric Power Project, NTPC and their workmen, which was received by the Central Government on 14-9-2011.

[No. I-42012/132/2010-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri A.K Rastogi, Presiding Officer

Case No. ID No.92 of 2011

Registered on 12-1-2011.

Sh. Sohal Lal, 5/0 Sh. Bholu Ram, V&PO Baila, Tehsil Sundernagar, Mandi (HP).

...Petitioner

Versus

1. The General Manager, Kol Dam Hydro Electric Power Project, NTPC, VPO Barmana, Bilaspur.

2. The Managing Director, M/s AKS Engineers & Contractors, Kol Dam Hydro Power Project, Sanjay Sadan, Chotta Shimla.
3. Project Manager, Italian Thai Development Co. Ltd., Kol Dam Hydro Power Project, Village Kayan, PO Slapper, Teh. Sundernagar, Mandi (HP).
4. The ITD Cementation India Ltd., Kol Dam Hydro-Electric Power Project, Village Kayan, PO Slapper, Teh. Sundernagar, Mandi (HP).

... Respondents

APPEARANCES

For the workman : None

For the Management : Sh. VP Singh for respondent No. 1
Sh. Hem Raj for respondent No. 3
Sh. Neeraj Srivastav for resp. No. 4

AWARD

Passed on Sept. 5, 2011

The Central Government vide Notification No. L-42012/132/2010/IR (DU) dated 15-12-2010 by exercising its powers under Section 10 sub-section (I) Clause (d) and sub-section 2(A) of the Industrial Disputes Act, 1947(hereinafter referred to as Act) has referred the following Industrial dispute for adjudication to this Tribunal :-

"Whether the action of the management of M/s. ITD Cementation India Ltd., a sub contractor of M/s. Italian—Thai Development Public Co. Ltd. in the Koldam Hydro-Electric Project of NTPCF, Bhamana, Bilaspur (HP) in terminating of services of Sh. Sohan Lal S/o Sh. Bhola Ram w.e.f. 14-8-2008 without following the principle of 'last come first go' is legal and justified ? If not, what relief the workman is entitled to?"

Respondent No. 1, 3 and 4 have put in their appearance in the case but the workman and respondent No. 2 did not turn up despite notices sent by registered post. Workman remained absent despite notices dated 12-1-2011, 14-3-2011 and by registered post on 17-7-2011. He did not file claim statement also. In the circumstances 'no dispute award' is passed. Let two copies of award be sent to Central Government for further necessary action.

A. K. RASTOGI, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

सं. अ. 2833.—औलोगिक विवाद अधिनियम, 1947 (1947 का 14) की भाग 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट एक के प्रबंधाता के संबद्ध नियोक्ताओं और उनके कर्मकारों के बीच, अनुसंधान में निर्दिष्ट औलोगिक विवाद में केन्द्रीय सरकार औलोगिक अधिकारण/अम. न्यायालय, नागपुर के पांचाट (संदर्भ संख्या

134/2003) को प्रकाशित करती है; जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/317/2002-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th September, 2011

S.O. 2833.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 134/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 14-9-2011.

[No. L-12012/317/2002-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE

**BEFORE SHRI J. P. CHAND, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/134/2003 Date: 8-9-2011.

Party No. 1

The Dy. General Manager,
State Bank of India, Zonal Office,
Shankar Nagar, Raipur,
(Chhattisgarh) 492001

Versus

Party No. 2

Shri Santosh Kumar Yadav
S/o. Shri Sevaram Yadav,
Village-Kuthrel (Anda),
PO: Kuthrel (Anda)
Distt. Durg (C.G.)

AWARD

(Dated: 8th September, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of the State Bank of India, Raipur and their workman, Shri Santosh Kumar Yadav, for adjudication, as per letter No.L-12012/317/2002-IR(B-I) dated 31-3-2003, with the following schedule:-

"Whether the action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Santosh Kumar Yadav, S/o. Shri Sevaram Yadav, Ex-messenger, is justified ? If not, what relief is the workman entitled for ?"

2. On receipt of the reference, notices were sent to the parties for filing of their respective statement of claim and written statement, in response to which, the workman, Shri Santosh Kumar Yadav ("the workman" in short) filed the statement of claim and the management of the State Bank of India, Raipur ("the party no. 1" in short) filed the written statement.

The case of the workman is that he was appointed temporarily in the post of messenger on daily rated basis for intermittent durations i.e. from 10-09-198 to 15-12-1984, 28-12-1984 to 04-2-1985, 25-2-1985 to 28-2-1985, 01-3-1985 to 31-3-1985, 01-4-1985 to 30-4-1985 and 1-5-1985 to 13-5-1985 with the party no. 1 and he was called for interview for the post of messenger by the Regional Manager, vide order dated 16-01-1990 and the interview was held on 30-1-1990 and he was declared pass in the interview and was found suitable for the post of messenger and the interview was held for the vacant and regular post of messenger and accordingly, the Asstt. General Manager, zonal office, Region III, Raipur addressed the letter dated 8-10-1994 to the Branch Manager SBI, B.S.P. Area, Bhilai intimating him that creation of posts required approval from LHO and till such approval, his services can be utilized on month to month temporary basis, as his name appears in the list of protected employee category 'C' and accordingly, the branch manager, SBI, BSP Area, Bhilai appointed him as temporary messenger with effect from 16-08-1994 and he worked continuously from 16-8-1994 to 10-1-1998 and he performed his duties as a messenger for more than 240 days in a calendar year and got the status of a permanent employee within the meaning of section 25-B of the Act and in order to deprive him the benefits of regular employment, he was continued with artificial breaks in service and thus unfair labour practice was adopted and though posts were available, the party No. 1 did not absorb him and the party no. 1 abruptly and without any reason or show cause, orally discontinued his service w.e.f. 10-1-1998 and the action of the party no. 1 in terminating his services amounts to retrenchment, but before the termination of his services, neither one month's notice nor one month's wages in lieu of notice, nor retrenchment compensation was given to him and as such, the action of terminating of his services is illegal, inoperative and invalid and as the mandatory provisions of section 25-F of the Act were not complied with, he is entitled for reinstatement in service with back wages and the action of the party no. 1 in terminating his services is arbitrary, capricious and unfair labour practice and he made representation to the Bank repeatedly for redressal of his grievances, but without any result and the party no. 1 made appointments of fresh candidate in the post of messengers but he was not given employment, which was violation of the mandatory provisions of section 25-H of the Act. The workman has prayed for declaring the action of the party no. 1 to be illegal and unlawful and to reinstate him in service with continuity and back wages.

3. The party no.1 in its written statement has pleaded inter-alia that the appointment of the workman was on daily wages, in temporary capacity, intermittently but without continuity in service, due to administrative exigency and the workman was engaged as temporary messenger on daily wages basis in temporary capacity from month to month basis and the contract of service was renewed from month to month and the workman worked as temporary messenger in the vacancy of the post of permanent messenger, T.R. Yadav, who died and various settlements were entered into between the State Bank India and Federation of SBI unions and the workman had been enlisted in the waiting list for absorption, but the said list lapsed on 31-3-1997, as per the terms of the settlement dated 13-7-1996 (wrongly mentioned as 30-7-1996 in the written statement) and as such, the persons, whose turn did not come by 31-3-1997 could not be considered for permanent absorption and the workman was disengaged from 10-10-1998 from services as the panel expired and the workman was appointed by the Branch, who had no authority to appoint any person in such category and such appointments was illegal and impermissible and such illegality cannot be perpetuated for indefinite period and as the purpose for which, the workman was engaged was completed, termination of his services was inevitable and the mere fact of completion of 240 days of work did not give the workman the status of permanent employee within the meaning of section-25-B of the Act and the workman was not given artificial breaks in service and it did not adopt any unfair labour practice and the services of the workman were terminated on 10-1-1998 and the disengagement of the services does not amount to retrenchment, for the reasons that he was engaged from month to month basis, so, there was no need to comply with the provisions of section 25-F of the Act and as such, its action cannot be said to be illegal and fresh candidates were not appointed by it as messengers and there was no violation of the provisions of section 25-II of the Act and as such, the workman is not entitled for any relief.

4. It is necessary to mention here that after filing of the statement of claim, on 1-3-2006, the workman remained absent and did not take part in the case. No evidence was adduced by him in support of his case. As the workman remained absent, the case proceeded ex parte against him. It is also necessary to mention here that no evidence was also adduced by the party no. 1.

5. At the time of argument, it was submitted by the learned advocate for the party no. 1 that the workman was appointed temporarily and he was duly considered by the party no. 1 for permanent absorption in the bank, as per the settlements and as such, he was interviewed and was put in the waiting list and as the waiting list lapsed on 31-3-1997 he has no right for permanent absorption or re-appointment. It was also submitted that as the engagement

of the workman was purely on casual and temporary basis intermittently, due to administrative exigencies and need of work as messenger and was not as per procedure for permanent staff, his termination cannot be termed as retrenchment and in view of the decisions of the Hon'ble Apex Courts, even if it is found that the workman had completed more than 240 days of work, he is not entitled for regularization or reinstatement in service and as such, he is not entitled for any relief. In support of the contentions, reliance has been placed on the decisions reported in AIR 2006 SC 1806 (Secretary, State of Karnataka & Others Vs. Uma Devi), (2007) 9 SCC-748 (Madhya Pradesh Administration Vs. Tribhuvan) and (2006) 5 SCC-173 (Municipal Council, Sujanpur Vs. Surinder Kumar).

Keeping in view the principles enunciated by the Hon'ble Courts in the decisions, on which reliance has been placed by the party no. 1, now, the present case at hand is to be decided.

6. Admittedly the appointment of the workman was temporary for intermittent durations. The workman has pleaded such facts in his statement of claim. In view of the lapse of the waiting list prepared by the Bank on 31-3-1997, the workman is not entitled to claim appointment or reinstatement in service on the basis of such list.

7. However, the claim of the workman in this case is not based on the waiting list prepared by the Bank. According to the claim of the workman, he was appointed temporarily on 16-8-1994 and continued till 10-1-1998 and as he had completed more than 240 days of continuous work in each calendar year, the termination of his services without following the mandatory provision of the section 25-F of the Act is illegal and for that he is entitled for reinstatement in service.

The party no. 1 has denied the claim of the workman.

8. Perused the record including the statement of claim, written statement, and documents available on record. There is nothing on record to show that the workman was appointed by following the due procedure of appointment applicable to the Bank. So it is clear from the evidence that the workman was working on casual basis as a temporary messenger.

On perusal of the pleadings of the parties, it is found that the appointment of the workman was purely on temporary basis for a specific period and he was being re-appointed on fresh basis from time to time, on the basis of specific order. It is also found from the record i.e. pleadings of the parties that the temporary appointment was made by the Branch Manager of the Bank.

It is well settled by the Hon'ble Apex Court in a number of decisions including in the decision of the constitutional Bench reported in AIR 2006 SC-1806 (Secretary State of Karnataka & Others Vs. Umadevi and

Others) that unless the appointment is in terms of the relevant rules and after a proper competition among qualified persons, the same would not confer any right on the appointee and if it is a contractual appointment, the appointment comes to an end at the end of the contract and if the appointment is on casual basis the same would come to an end, when it is discontinued and a temporary employee has no right to claim to be made permanent and on expiry of the term of his appointment, he is not entitled for reinstatement in service.

Applying the principles enunciated by the Hon'ble Apex Courts to the present case at hand, it is found that the provisions of section 25-F are not applicable to this case, as the appointment of the workman was contractual basis and such appointment was coming to an end, at the end of the contract and as such, the workman has no right to claim reinstatement in service. Hence, it is ordered :

ORDER

The action of the Dy. General Manager, State Bank of India, Raipur (CG) in terminating the services of Shri Santosh Kumar Yadav, S/o Shri Sevaram Yadav, Ex-messenger, is legal and justified. The workman is not entitled for any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2834.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ ट्रावनकोर के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण, अरुनाकलुम के पंचार्ट (संदर्भ संख्या 37/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/150/2007-आईआर (बी-1)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th September, 2011

S.O. 2834.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the management of State Bank of Travancore, and their workmen, received by the Central Government on 14-9-2011.

[No. L-12012/150/2007-IR (B-I)]

RAMESH SINGH, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present : Shri.D. Sreevallabhan,B.Sc., LL.B., Presiding Officer

(Wednesday the 7th day of September 2011/ 16th Bhadrapada, 1933)

I. D. 37/2007

Workman : Smt. V.K.Sarojini,
Veendaplaclakal House,
Chottupara P.O., Parathodu Village,
Udumbenchola Taluk, Idukki District.
By Adv. Shri. K.M.Kurian.

Management : The Deputy General Manager,
State Bank of Travancore,
Disciplinary Authority,
Zonal Office, Ernakulam.
By Adv. Shri. P.Ramakrishnan.

This case coming up in Adalat on 7-9-2011, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act, 1947.

2. The reference is :

"Whether the action of the management of State Bank of Travancore in dismissing Smt. V. K. Sarojini on the alleged misconduct financial misappropriation, is fair and justified ? If not, to what relief she is entitled ?"

3. When the matter came up for evidence learned counsel for both sides submitted that there is chance for settlement and thereby the case was taken up in the Lok Adalat. A full and final settlement was arrived at in the Lok Adalat. Hence an award can be passed in terms of the settlement.

In the result an award is passed in terms of the settlement which forms part of the award.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 7th day of September, 2011.

D. SREEVALLABHAN, Presiding Officer

APPENDIX-NIL**IN THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

I. D. 37/2007

The matter was taken up in Lok Adalat and the parties agreed to settle the dispute on the following terms:

The management agrees to pay a sum of Rs. 2,50,000 (Rupees Two lakh fifty thousand only) to Smt. V. K. Sarojini in full and final settlement of the dispute and the worker Smt. V.K. Sarojini agrees to accept the same towards full and final settlement of terminal benefits including gratuity payable to her. Upon acceptance of the agreed amount the worker will not have any further claim for re-employment. For payment of the agreed sum, Pay Order No. 190209 dated 5-9-2011 for a sum of Rs. 2,50,000 is handed over to Smt. V. K. Sarojini.

Dated this the 7th day of September 2011.

Worker : Sarojini Sd/- : Management Sd/-

Counsel of Union Sd/- : Counsel for Management : Sd/-

Sd/-

Mediator

Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2835.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या सी जो आई टी/एन जी पी/38/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल 40012/117/2004 आईआर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th September, 2011

S.O. 2835.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.CGIT/NGP/38/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 14-9-2011.

[No. I-40012/117/2004-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE**BEFORE SHRI J. P.CHAND, PRESIDING OFFICER
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/38/2005

Date 6-9-2011.

Party No. I

(a) : The General Manager (Telecom), BSNL,,
Telecom Bhavan, Zero miles, Civil Lines,
Nagpur - 440001

(b) : The General Manager (Telecom),
Railway Electrification Project,
Bajaj Nagar, Plot no. 46, Nagpur.

Versus**Party No. 2**

Shri Prithviraj Koushik
R/o. Tumdi Dol, PO:Chillari, The. Multai,
Distt. Betul (M.P.)

AWARD(RD)

(Dated: 6th September, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 26(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bharat Sanchar Nigam Limited and their workman Shri Prithviraj Koushik for adjudication, as per letter No.L-40012/117/2004-IR(DLU) dated 8-4-2005, with the following schedule:-

"Whether the action of the management of Telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Prithviraj Koushik r/o. Tumdi Dol, PO Chillari, The. Multai, Distt. Baitul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified ? If not, to what relief to the disputant workman is entitled to ?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman Shri Prithviraj Koushik ("the workman" in short) filed the statement of claim and the management of B.S.N.L. ("party no. 1" in short) filed the written statement.

The case of the workman is that, he was employed as a labourer by the department of communication from 1-6-1987 to 1-12-1988 and from the date of his appointment, he worked continuously in Railway Electrification Division, Nagpur and completed more than 240 days of work and as such, it was obligatory on the part of the party no. 1 to grant temporary status to him, as per the guidelines issued by the department of communication and in spite of such clear cut guide lines, he came to be laid off by an order passed on 7-12-1988 and in the said lay off letter, it was mentioned that since the construction work under the Sub-division is nearing completion, there is no likelihood of additional work for the time being and the government notification dated 7-6-1990 in respect of regularizing services of casual labourers clearly stipulates that in case of the casual labourer, who have been employed after 30-3-1985, their laying off would be done observing seniority of the mazdoors and the junior most will be laid off first and then the next junior most and likewise recalling

on job will be done, so that the senior most laid off casual mazdoor will be called first and so on and it was also stipulated there in that before laying off the mazdoors, they should be offered alternative employment at other places including neighboring divisions. but none of the guidelines was complied by party no. 1 while dealing with his case and he had been laid off in contravention of the rules and regulation framed by the department and party no. 1 did not observe the seniority rule while laying him off and he was not offered any alternative job at other place and the department though re-called the casual labourers to work but not according to their seniority and juniors to him were recalled in job, whereas; his name was arbitrarily excluded from the combined seniority list and thereby deprived him from employment and the party no. 1 wrongly marked him as "left job on his own accord" in the provisional seniority list and he had never left the job, but was illegally laid off in contravention of the notification dated 7-6-1990 and juniors to him were included in the seniority list and provided employment by party no. 1 and some of them have so far been made permanent employees. It is further pleaded by the workman that in the matter of providing work to casual workers including himself, the Nagpur casual labour union in representative capacity had agitated the matter before the Central Administrative Tribunal, Bombay Bench at Nagpur and in terms of the order passed by the said Tribunal, he made representation requesting the party no. 1 to include his name in the seniority list on the basis of his date of joining in services and to reinstate him in service with full back wages, but his representation was rejected on 19-5-2000 and thereafter, the CAT, by order dated 12-6-2000, allowed him liberty to approach the appropriate forum according to law and accordingly, he raised the industrial dispute before the ALC (Central) Nagpur and as the conciliation proceeding failed, the reference was made by the Central Government.

Prayer has been made by the workman to declare the action of the party no. 1 to be illegal and unjustified and to reinstate him in service with full back wages and consequential benefits.

3. The party no. 1 has pleaded in its written statement inter-alia that the workman worked up to 10-12-1988 and then left the job on his own accord w.e.f. 11-12-1988 and order no. Recd - III / I / orders /III dated 7-6-1990 (annexure R -5) clearly stated that the casual mazdoors, who have been engaged after 30-3-1985 and worked continuously for more than 240 days during any 12 calendar months, status quo will be maintained and they will not be granted temporary status until DOT accords approval in this regard and accordingly DOT accorded approval vide order no. 269-4/93-STN dated 25-6-1993 (annexure R-6) for grant of temporary status mazdoor in respect of casual mazdoors under the condition that who were engaged during the period from 31-3-1985 to 22-6-1988 and who are still

continuing for such work in the projects, where they were initially engaged and who are not absent for the last more than 365 days counting from the issue of this order and as the workman was not continuing in the job on the date of issue of the order of the DOT, there is no question of grant of temporary status to the workman and the workman was not laid off and he left the job on his own accord w.e.f. July 1989, after working up to 10-12-1988 and as the workman left the job on his own accord, the question of following the guidelines for laying off and recalling the workman doesn't arise and the name of the workman was not mentioned in the seniority list prepared by the Telecom District Manager, Nagpur and the workman had submitted his representation as per the direction of CAT, requesting for inclusion of his name in the seniority list on the basis of date of joining and for grant of full back wages, but the said representation was rejected by the AGM Administration vide communication dated 19-5-2000 and the reply given to the representation to the workman is very comprehensive and self explanatory and the workman is not entitled for any relief.

4. In support of their respective claims, both the parties have led oral evidence, besides placing reliance on documentary evidence. The workman has examined himself as a witness in support of his case. One W.N. Lanjewar, D.E.T. (R.E.) has been examined as a witness by the party No. 1.

5. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, the workman has stated that he was engaged on daily wages as a casual labour from June 1987 to December 1988 and he was given a personal card having his photograph and the copy of the personal card is at exhibit W-4 and the management had issued a letter informing him that the project work was on the verge of completion and there was no possibility of getting further work and the copy of the said letter is at exhibit W-5.

6. The witness for the party No. 1 in his evidence has also reiterated the facts taken by the party No. 1 in the written statement. In his cross-examination, the witness has stated that layoff notice dated 7-12-1988 was served on the workman. .

7. During the course of argument, it was submitted by the learned advocate for the workman that the workman worked from 1-6-1987 to 1-12-1988 continuously and completed more than 240 days of continuous service, so it was obligatory on the part of party No. 1 to give temporary status to the workman as per guidelines issued by the department of communication O.M. dated 7-6-1990, but inspite of the clear-cut guidelines, the workman was laid off by an order, passed on 7-12-1988 and the management had wrongly marked the workman as "left job on his own accord" in the provisional seniority list and the case of

Umadevi's case is not applicable in the facts of this case in terms of subsequent judgment of the Hon'ble Supreme Court in U. P. State Electricity Board Vs. Purran Chand Pandey, reported in 2008 II CLR-147 and therefore, the workman is entitled for inclusion of his name in the combined seniority list and to get temporary status and for reinstatement in service with full back wages and consequential benefits.

8. Per contra, it was submitted by the learned advocate for the party No. 1 that the workman left the work on his own accord and there was no act of termination and on the date of issuance of notification dated 7-6-1990, the workman was not in employment and as such, the said circular is not applicable to him and he is not entitled for the benefit under the said circular and the said circular was applicable to these casual mazdoors, who were in employment or engagement, on daily wages on the date when the notification came into force and the fact is very much apparent from annexure -6, which is a letter dated 25th June, 1993 and the workman did not complete 240 days of work in a calendar year and no evidence has been placed on record by the workman to prove the said fact and the workman is not entitled to any relief. In support of such contentions, reliance was placed on the decisions reported in 2006 (L&S) SCC-753 (Secretary . State of Karnataka Vs. Umadevi and others).

9. The workman has claimed that he worked from 1-6-1987 to 1-12-1988 and he was laid off by party No. 1 by order dated 7-12-1988. Party No. 1 has claimed that the workman left the job from July 1989 on his own accord.

Besides his own affidavit, the workman has filed the copy of the personal record, exhibit W-4 to show that he worked till 1-12-1988 with party No. 1 and he was laid off by an order passed on 7-12-1988. Exhibit W-4 which has been filed by the workman completely demolishes the case of the workman. On perusal of exhibit W-4, it is found that he worked with party No. 1 till 31-7-1988. It is clear from exhibit W-4 that the claim of the workman that he worked till 1-12-1988 and he was laid off by order dated 7-12-1988 is not true. On perusal of the layoff notice dated 7-12-1988, exhibit W-5, it is found that the same was an intimation to the workman that as the construction work was nearing completion and there was no likelihood of additional work for the time being, he was liable to be laid off after the completion of ongoing construction work under AET(RE) Nagpur. The workman was also intimated that his services may again be required at the time dismantlement of work in Nagpur- Pandurna section and to keep in touch with the office for future development. However, in view of the admission of the party No. 1 in its written statement that the workman worked till 10-12-1988, it can be held that the workman worked till 10-12-1988. From the documents and the pleading of the parties,

it is clear that the workman was not laid off by order dated 7-12-1988 and he left his job on his own accord.

10. The workman has based his claim mainly on the guidelines given in letter dated 7-6-1990, regarding granting of temporary status to the casual mazdoors, which was issued by the Chief General Manager, Telecom, Maharashtra Circle. In the first two paragraphs of the said letter, eligibility criteria, for confirmation of temporary status to the casual mazdoor were given. For better appreciation of the matter, I think it proper to reproduce the same in toto. The said paragraphs read as follows :-

1. Eligibility for confirmation of temporary status to the casual mazdoors.

(i) All these casual mazdoors are eligible for conferring temporary status:

(a) Who are employed before 30-3-85 and who have completed continuous service of 240 days during any calendar months before 30-3-85, without any consideration of break of service either due to departmental or/own reasons.

(b) Who were employed before 30-3-1985 but could not complete continuous service of 240 days before 30-3-1985. They however did so after 30-3-85 during any 12 calendar months.

Thus, eligibility conditions are only two:

(i) The casual mazdoors should have been employed before 30-3-85 and

(ii) He should have worked continuously for 240 days during any 12 calendar months.

(iii) Now the period of the absence for the purpose of granting temporary status to the casual mazdoors can be condoned by the concerned T.D.E. without any limit provided he has worked for 240 days continuously during any 12 calendar months. This will be however be a onetime concession.

2. Casual Mazdoor employed after 30-3-85 in violation of DOT's orders.

In respect of those casual mazdoors who have been employed after 30-03-85 and who have worked continuously for 240 days during any 12 calendar months, status quo will be maintained. They will not be granted temporary status until DOT accords approval in this regard.

Admittedly, the workman was not working prior to 30-3-1985. So, he was not eligible to get temporary status under condition number one of the instructions contained in letter No. 7-6-1990. So far the second condition is concerned, it is found from record that the workman had been employed after 30-03-1985 and he had worked continuously for 240 days during 12 calendar months prior

to 5-7-1988. The said second condition says that in case of completion of 240 days of continuous work in any 12 calendar months and not in any calendar year as claimed by the management, status quo was to be maintained and the casual mazdoor should be granted temporary status with approval of the DOT. So, the workman was entitled to get temporary status, only after the approval of the DOT. Admittedly there was no approval of the DOT till 5-7-1988, the date on which the workman left the job. The document, annexure-6, which is a letter issued by the Ministry of Telecommunication dated 25-6-1993 is in regard to grant of temporary status and regularization of casual labourers engaged after 30-3-1985. In the said letter, instruction was given to take action to extend temporary status to all the casual mazdoors, who were engaged by the project circles for laying coaxial cables and by the electrification circle, for dismantling and erection of lines in Railway Electrification, during the period from 30-3-1985 to 22-06-1988 and who are still continuing for such work in the project/ electrification circles, where they were initially engaged and who are not absent for the last more than 365 days continuing from the date of issue of the letter. The workman was not in engagement, when the said letter was issued. Hence, he was not entitled to get temporary status as per the instructions contained in the letter dated 25-6-1993 also. From the materials on record and the discussion made above, it is found that the workman is not entitled for inclusion of his name in the combined seniority list and also to get temporary status. Hence, it is ordered :

ORDER

The action of the management of Telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Prithviraj Koushik r/o. Tumdi Dol, PO Chillari, Multai, Distt. Baitul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

ई दिल्ली, 14 सितम्बर, 2011

का.आ. 2836.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या सी जी.आई टी/एन जी पी/9/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-40012/116/2004-आईआर (डीप्य)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th September, 2011

S.O. 2836.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/09/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Department of Telecom and their workmen, which was received by the Central Government on 14-9-2011.

[No. L-40012/116/2004-IR (DU)]

JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE SHRI J. P. CHAND, PRESIDING OFFICER CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/09/2005

Date: 6-9-2011.

Party No. I:

(a) : The General Manager (Telecom),
Telecom Bhavan, Zero Miles, Civil Lines,
Nagpur - 440001.

(b) : The General Manager (Telecom),
Railway Electrification Project,
Bajaj Nagar, Plot No. 46, Nagpur (MS)

Versus

Party No. 2 :

Shri Shreedhar Koushik
R/o. Tumdi Dol, PO Chillari, Tah. Multai,
Distt. Betul (M.P.)

AWARD

(Dated: 6th September, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Telecom and their workman Shri Shreedhar Koushik, for adjudication, as per letter No. L-40012/116/2004-IR(DU) dated 7-1-2005, with the following schedule:

"Whether the action of the management of Telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Shreedhar Koushik R/o. Tumdi Dol, PO Chillari, Tah. Multai, Distt. Betul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified ? If not, to what relief to the disputant workman is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman, Shri Shreedhar Koushik ("the workman" in short) filed the statement of claim and the management of Telecom ("party No. 1" in short) filed the written statement.

The case of the workman is that, he was employed as a labourer by the department of communication from 1-6-1987 to 1-12-1988 and from the date of his appointment, he worked continuously in Railway Electrification Division Nagpur and completed more than 240 days of work and as such, it was obligatory on the part of the party No. 1 to grant temporary status to him as per the guide lines issued by the department of communication and inspite of such clear cut guide lines, he came to be laid off by an order passed on 7-12-1988 and in the said lay off letter, it was mentioned that since the construction work under the Sub-division is nearing completion, there is no likelihood of additional work for the time being and the Government notification dated 7-6-1990 in respect of regularizing services of casual labourers clearly stipulates that in case of the casual labourer, who have been employed after 30-3-1985, their laying off would be done observing seniority of the mazdoors and the junior most will be laid off first and then the next junior most and likewise recalling on job will be done, so that the senior most laid off casual mazdoor will be called first and so on and it was also stipulated there in that before laying off the mazdoors, they should be offered alternative employment at other places including neighboring divisions, but none of the guide lines was complied by party No. 1, while dealing with his case and he had been laid off in contravention of the rules and regulation framed by the department and party No. 1 did not observe the seniority rule while laying him off and he was not offered any alternative job at other place and the department though re-called the casual labourers to work but not according to their seniority and juniors to him were recalled in job, whereas, his name was arbitrarily excluded from the combined seniority list and thereby deprived him from employment and the party No. 1 wrongly marked him as "left job on his own accord" in the provisional seniority list and he had never left the job but was illegally laid off in contravention of the notification dated 7-6-1990 and juniors to him were included in the seniority list and provided employment by party No. 1 and some of them have so far been made permanent employees. It is further pleaded by the workman that in the matter of providing work to casual workers including himself, the Nagpur casual labour union in representative capacity had agitated the matter before the Central Administrative Tribunal, Bombay Bench at Nagpur and in terms of the order passed by the said Tribunal, he made representation requesting the party No. 1 to include his name in the seniority list on the basis of his date of joining in services and to reinstate him in service with full back wages, but

his representation was rejected on 19-5-2000 and thereafter, the CAT, by order dated 12-6-2000, allowed him liberty to approach the appropriate forum according to law and accordingly, he raised the industrial dispute before the ALC (Central) Nagpur, and as the conciliation proceeding failed, the reference was made by the Central Government.

Prayer has been made by the workman to declare the action of the party No. 1 to be illegal and unjustified and to reinstate him in service with full back wages and consequential benefits.

3. The party No. 1 has pleaded in its written statement inter-alia that the workman worked up to 5-7-1988 and not up to 1-12-1988 as claimed by him and he left the job on his own accord, with effect from 6-7-1988 and he worked for 211 days and 146 days in the calendar years 1987 and 1988 respectively and not completed 240 days in any calendar year and as such, there is no question of grant of temporary status to the workman and the workman was not laid off and as the workman left the job on his own accord, the question of following the guidelines for laying off and recalling the workman does not arise at all and for the same reason, his name was not mentioned in the seniority list prepared by the Telecom District Manager, Nagpur, Telephones and he was not marked wrongly as "left job on his own accord".

The further case of the party No. 1 is that the project work in Nagpur, R.E. Division was completed on 30-6-1990 and on 1-7-1990, out of 63 casual labours, 53 labours were retrenched after payment of notice pay and compensation and ten senior labours were retained and the retrenched casual labours had made an application to Nagpur Bench of Central Administrative Tribunal for their grievances and as per the directives of the said Tribunal in case No. 599/1990, combined seniority list of casual labours of all functional units of Nagpur Territorial Division existing on 30-6-1990 was prepared to provide them work according to availability and all the directives of The Central Administrative Tribunal were complied by the department and settled the cases and no new labour was engaged after 30-6-1990 and as the workman had left the job on his own accord with effect from 6-7-1988, the claim for inclusion of his name in the seniority list and providing work to him and regularization cannot be accepted and the workman is not entitled for any relief.

4. In support of their respective claims, both the parties have led oral evidence, besides placing reliance on documentary evidence. The workman has examined himself as a witness in support of his case. One W.N. Lanjewar, D.E.T. (R.E.) has been examined as a witness by the party No. 1.

5. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, the workman has stated that he was engaged as a Labour on

daily wages and one personal card was issued with his photograph and the xerox copy of the personal card is at Exhibit W-4 and pre-intimation letter informing him that he was stopped from work for eight days and then he would be engaged again, was received by him and he did not file any written application requesting to provide him work and there was no reason for not requesting in writing and he is claiming seniority on the basis of Government Resolution dated 7-6-1990.

6. The witness for the party No. 1 in his evidence has also reiterated the facts taken by the party No. 1 in the written statement. In his cross-examination, the witness has stated that lay off notice dated 7-12-1988 was not served on the workman.

7. During the course of argument, it was submitted by the learned advocate for the workman that the workman worked from 1-6-1987 to 1-12-1988 continuously and completed more than 240 days of continuous service, so it was obligatory on the part of party No. 1 to give temporary status to the workman as per guidelines issued by the department of communication O.M. dated 7-6-1990, but inspite of the clear-cut guidelines, the workman was laid off by an order passed on 7-12-1988 and the management had wrongly marked the workman as "left job on his own accord" in the provisional seniority list and the case of Umadevi's case is not applicable in the facts of this case in terms of subsequent judgment of the Hon'ble Supreme Court in U.P. State Electricity Board Vs. Puran Chand Pandey, reported in 2008 II CLR-147 and therefore, the workman is entitled for inclusion of his name in the combined seniority list and to get temporary status and for reinstatement in service with full back wages and consequential benefits.

8. Per contra, it was submitted by the learned advocate for the party No. 1 that the workman left the work on his own accord and there was no act of termination and on the date of issuance of notification dated 7-6-1990, the workman was not in employment and as such, the said circular is not applicable to him and he is not entitled for the benefit under the said circular and the said circular was applicable to these casual mazdoors, who were in employment or engagement, on daily wages on the date when the notification came in to force and the fact is very much apparent from Annexure -6, which is a letter dated 25th June, 1993 and the workman did not complete 240 days of work in a calendar year and no evidence has been placed on record by the workman to prove the said fact and the workman is not entitled to any relief. In support of such contentions, reliance was placed on the decisions reported in 2006 (L&S) SCC-753 (Secretary, State of Karnataka Vs. Umadevi and others).

9. The workman has claimed that he worked from 1-6-1987 to 1-12-1988 and he was laid off by party No. 1 by order dated 7-12-1988. Party No. 1 has claimed that the workman left the job from 6-7-1988 on his own accord.

The workman except his own affidavit has not filed any document to show that he worked till 1-12-1988. He has not filed the letter dated 7-12-1988, according to which he was laid off from work. Rather, the documents filed by him supports the stand taken by the party no. 1. The copy of the personal card issued in favour of the workman has been marked as exhibit W-4. The workman during his cross-examination has proved the said document. In exhibit W-4, there are entries regarding the period for which the workman worked with party no. 1. On perusal of exhibit W-4, it is found that the workman started working with party no. 1 on 1-6-1987 and worked till 5-7-1988. So, it is clear from the own document of the workman that he worked till 5-7-1988 as claimed by party no. 1 and not till 1-12-1988 as claimed by himself. In absence of the layoff notice, it also cannot be said that the workman was laid off on 7-12-1988. Hence, it is held that the workman was not working with the party no. 1 till 1-12-1988 and he was not laid off on 7-12-1988 and he left the job on his own accord from 6-7-1988.

10. The workman has based his claim mainly on the guidelines given in letter dated 7-6-1990 regarding granting of temporary status to the casual mazdoors, which was issued by the Chief General Manager, Telecom, Maharashtra Circle. In the first two paragraphs of the said letter, eligibility criteria for confirmation of temporary status to the casual mazdoor were given. For better appreciation of the matter, I think it proper to reproduce the same in toto. The said paragraph read as follows:—

1. Eligibility for confirmation of temporary status to the casual mazdoors.

(i) All these casual mazdoors are eligible for conferring temporary status: (a) Who are employed before 30-03-85 and who have completed continuous service of 240 days during any calendar months before 30-3-85, without any consideration of break of service either due to departmental or own reasons.

(b) Who were employed before 30-3-1985 but could not completed continuous service of 240 days before 30-3-1985. They however did so after 30-3-1985, during any 12 caledar months.

Thus, eligibility conditions are only two:

(i) The casual mazdoors should have been employed before 30-3-1985 and

(ii) He should have worked continuously for 240 days during any 12 calendar months.

(iii) Now the period of the absence for the purpose of granting temporary status to the casual mazdoors can be condoned by the concerned T.D.E. without any limit provided he has worked for 240 days continuously during any 12 calendar months. This will be however be a onetime concession.

2. Casual mazdoor employed after 30-3-1985 in violation of DOT's order.

In respect of those casual mazdoors who have been employed after 30-3-85 and who have worked continuously for 240 days during any 12 calendar months, status quo will be maintained. They will not be granted temporary status until DOT accords approval in this regard.

Admittedly, the workman was not working prior to 30-3-1985. So, he was not eligible to get temporary status under condition number one of the instructions contained in letter no. 7-6-1990. So far the second condition is concerned, it is found from record that the workman had been employed after 30-3-1985 and he had worked continuously for 240 days during 12 calendar months prior to 5-7-1988. The said second condition says that in case of completion of 240 days of continuous work in any 12 calendar months and not in any calendar year as claimed by the management, status quo was to be maintained and the casual mazdoor should be granted temporary status with approval of the DOT. So, the workman was entitled to get temporary status, only after the approval of the DOT. Admittedly there was no approval of the DOT till 5-7- 1988, the date on which the workman left the job. The document, annexure-6, which is a letter issued by the Ministry of Telecommunication dated 25-6-1993 is in regard to grant of temporary status and regularization of casual labourers engaged after 30-3-1985. In the said letter, instruction was given to take action to extend temporary status to all the casual mazdoors who were engaged by the project circles, for laying coaxial cables and by the electrification circle, for dismantling and erection of lines in Railway Electrification, during the period from 30-3-1985 to 22-6-1988 and who are still continuing for such work in the project/electrification circles where they were initially engaged and who are not absent for the last more than 365 days continuing from the date of issue of the letter. The workman was not in engagement when the said letter was issued. Hence, he was not entitled to get temporary status as per the instructions contained in the letter dated 25-6-1993 also. From the materials on record and the discussion made above, it is found that the workman is not entitled for inclusion of his name in the combined seniority list and also to get temporary status. Hence, it is ordered:

ORDER

The action of the management of telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Shreedhar Koushik r R/o. Tumdi Idol, PO Chillari, The Multai, Distt. Baitul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified. The workman is not entitled to any relief.

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2837.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूसंचार विभाग प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम व्यालय, नागपुर के पंचाट (संदर्भ संख्या सीजीआईटी/एनजीपी/37/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[स. एल-40012/115/2004-आईआर(डीयू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th September, 2011

S.O. 2837.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. CGIT/NGP/37/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 14-9-2011.

[No. L-40012/115/2004-IR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE J.P.CHAND, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT NAGPUR

Case No. CGIT/NGP/37/2005 Date 6-9-2011

Party No. 1

(a)The General Manager (Telecom), BSNL
Telecom Bhavan, Zero miles, Civil Lines,
Nagpur-440001

(b) The General Manager (Telecom),
Railway Electrification Project,
Bajaj Nagar, Plot No. 46, Nagpur

Versus

Party No. 2

Shri Kunwarlal Deshmukh
R/o Tumdi Dol. PO : Chillari, The Multai,
Distt. Betul (M.P.)

AWARD

(Dated 6th September, 2011)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Bharat Sanchar Nigam Limited and their workman Shri Kunwarlal Deshmukh for adjudication, as per letter No.I-40012/115/2004-IR(DU) dated 8-4-2005, with the following schedule :—

"Whether the action of the management of Telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Kunwarlal Deshmukh r/o. Tumdi Dol, PO Chillari, The Multai, Distt. Baitul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified ? If not, to what relief to the disputant workman is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the workman shri Kunwarlal Deshmukh ("the workman" in short) filed the statement of claim and the management of B.S.N.L. ("party No. 1" in short) filed the written statement.

The case of the workman is that, he was employed as a labourer by the department of communication from 1-6-1987 to 1-12-1988 and from the date of his appointment, he worked continuously in Railway Electrification Division Nagpur and completed more than 240 days of work and as such, it was obligatory on the part of the party No. 1 to grant temporary status to him as per the guide lines issued by the department of communication and inspite of such clear cut guide lines, he came to be laid off by an order passed on 7-12-1988 and in the said lay off letter, it was mentioned that since the construction work under the Sub-division is nearing completion, there is no likelihood of additional work for the time being and the government notification dated 7-6-1990 in respect of regularizing services of casual labourers clearly stipulates that in case of the casual labourer, who have been employed after 30-3-1985, their laying off would be done observing seniority of the mazdoors and the junior most will be laid off first and then the next junior most and likewise recalling on job will be done, so that the senior most laid off casual mazdoor will be called first and so on and it was also stipulated there in that before laying off the mazdoors, they should be offered alternative employment at other places including neighboring divisions, but none of the guide lines was complied by party No. 1 while dealing with his case and he had been laid off in contravention of the rules and regulation framed by the department and party No. 1 did not observe the seniority rule while laying him off and he was not offered any alternative job at other place and the department though re-called the casual labourers to work but not according to their seniority and juniors to him were recalled in job, whereas, his name was arbitrarily excluded from the combined seniority list and thereby deprived him from employment and the party No. 1 wrongly marked him as "left job on his own accord" in the provisional seniority list and he had never left the job but was illegally laid off in contravention of the notification dated 7-6-1990 and juniors to him were included in the seniority list and provided employment by party No. 1 and some of them have so far been made permanent employees. It is further pleaded by

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the workman that in the matter of providing work to casual workers including himself, the Nagpur casual labour union in representative capacity had agitated the matter before the Central Administrative Tribunal, Bombay Bench at Nagpur and in terms of the order passed by the said Tribunal, he made representation requesting the party No. 1 to include his name in the seniority list, on the basis of his date of joining in services and to reinstate him in service with full back wages, but his representation was rejected on 19-5-2000 and thereafter, the CAT, by order dated 12-6-2000, allowed him liberty to approach the appropriate forum according to law and accordingly, he raised the industrial dispute before the ALC (Central) Nagpur, and as the conciliation proceeding failed, the reference was made by the Central Government.

Prayer has been made by the workman to declare the action of the party No. 1 to be illegal and unjustified and to reinstate him in service with full back wages and consequential benefits.

3. The party No. 1 has pleaded in its written statement inter-alia that the workman worked with it till June 1989 and then left the job on his own accord and order No. Recit-III/I/ orders/III dated 7-6-1990 (annexure R-5) clearly stated that the casual mazdoors, who have been engaged after 30-3-1985 and worked continuously for more than 240 days during any 12 calendar months, status quo will be maintained and they will not be granted temporary status until DOT accords approval in this regard and accordingly DOT accorded approval vide order No. 269-4/93-STN dated 25-6-1993 (annexure R-6) for grant of temporary status mazdoor in respect of casual mazdoors under the condition that who were engaged during the period from 31-3-1985 to 22-6-1988 and who are still continuing for such work in the projects, where they were initially engaged and who are not absent for the last more than 365 days counting from the issue of this order and as the workman was not continuing in the job on the date of issue of the order of the DOT, there is no question of grant of temporary status to the workman and the workman was not laid off and he left the job on his own accord w.e.f. July 1989, after working up to June 1989 (wrongly mentioned as June 1988 in the written statement at para three) and as the workman left the job on his own accord, the question of following the guidelines for laying off and recalling the workman doesn't arise and the name of the workman was not mentioned in the seniority list prepared by the Telecom District Manager, Nagpur and the workman had submitted his representation as per the direction of CAT, requesting for inclusion of his name in the seniority list, on the basis of date of joining and for grant of full back wages, but the said representation was rejected by the AGM Administration vide communication dated 19-5-2000 and the reply given to the representation to the workman is very comprehensive and self explanatory and the workman is not entitled for any relief.

4. In support of their respective claims, both the parties have led oral evidence, besides placing reliance on documentary evidence. The workman has examined himself as a witness in support of his case. One W.N. Lanjewar, D.E.T. (R.E.) has been examined as a witness by the party No. 1.

5. In his examination-in-chief, which is on affidavit, the workman has reiterated the facts mentioned in the statement of claim. However, in his cross-examination, the workman has stated that he was engaged on daily wages as a casual labour from June 1987 to December 1988 and he was given a personal card having his photograph and the copy of the personal card is at exhibit W -4 and the management had issued a letter informing him that the project work was on the verge of completion and there was no possibility of getting further work and the copy of the said letter is at exhibit W -5.

6. The witness for the party No. 1 in his evidence has also reiterated the facts taken by the party No. 1 in the written statement. In his cross-examination, the witness has stated that layoff notice dated 7-12-1988 was served on the workman.

7. During the course of argument, it was submitted by the learned advocate for the workman that the workman worked from 1-6-1987 to 1-12-1988 continuously and completed more than 240 days of continuous service, so it was obligatory on the part of party No. 1 to give temporary status to the workman as per guidelines issued by the department of communication O.M. dated 7-6-1990, but inspite of the clear-cut guidelines, the workman was laid off by an order passed on 7-12-1988 and the management had wrongly marked the workman as "left job on his own accord" in the provisional seniority list and the case of Umadevi's case is not applicable in the facts of this case in terms of subsequent judgment of the Hon'ble Supreme Court in U.P. State Electricity Board Vs. Puran Chand Pandey, reported in 2008 II CLR-147 and therefore, the workman is entitled for inclusion of his name in the combined seniority list and to get temporary status and for reinstatement in service with full back wages and consequential benefits.

8. Per contra, it was submitted by the learned advocate for the party No. 1 that the workman left the work on his own accord and there was no act of termination and on the date of issuance of notification dated 7-6-1990, the workman was not in employment and as such, the said circular is not applicable to him and he is not entitled for the benefit under the said circular and the said circular was applicable to these casual mazdoors, who were in employment or engagement on daily wages on the date when the notification came in to force and the fact is very much apparent from annexure -6, which is a letter dated 25th June, 1993 and the workman did not complete 240 days of work in a calendar year and no evidence has been placed on record by the workman to prove the said fact and the

workman is not entitled to any relief. In support of such contentions, reliance was placed on the decisions reported in 2006 (L&S) SCC-753 (Secretary, State of Karnataka Vs. Umadevi and others).

9. The workman has claimed that he worked from 1-6-1987 to 1-12-1988 and he was laid off by party No.1 by order dated 7-12-1988. Party No.1 has claimed that the workman left the job from July 1989 on his own accord.

Besides his own affidavit, the workman has filed the copy of the personal record, exhibit W-4 to show that he worked till 1-12-1988 with party No.1 and he was laid off by an order passed on 7-12-1988. Exhibit W-4 which has been filed by the workman completely demolishes the case of the workman. On perusal of exhibit W-4, it is found that he worked with party No.1 till 30-8-1989. It is clear from exhibit W-4 that the claim of the workman that he worked till 1-12-1988 and he was laid off by order dated 7-12-1988 is not true. On perusal of the layoff notice dated 7-12-1988, exhibit W-5, it is found that the same was an intimation to the workman that as the construction work was nearing completion and there was no likelihood of additional work for the time being, he was liable to be laid off after the completion of ongoing construction work under AET(RE) Nagpur. The workman was also intimated that his services may again be required at the time dismantlement of work in Nagpur-Pandurna section and to keep in touch with the office for future development. It is clear from exhibits W-4 and W-5 that he was not laid off by order dated 7-12-1988 and he worked till 30-8-1989, inspite of the layoff notice. The documents support the claim of the party No. 1 to some extent that the workman left the work on his own accord.

10. The workman has based his claim mainly on the guidelines given in letter dated 7-6-1990 regarding granting of temporary status to the casual mazdoors, which was issued by the Chief General Manager, Telecom, Maharashtra Circle. In the first two paragraphs of the said letter, eligibility criteria for confirmation of temporary status to the casual mazdoor were given. For better appreciation of the matter, I think it proper to reproduce the same in toto. The said paragraph read as follows:—

1. Eligibility for confirmation of temporary status to the casual mazdoors.

(i) All these casual mazdoors are eligible for conferring temporary status—

(a) Who are employed before 30-3-85 and who have completed continuous service of 240 days during any calendar months before 30-3-85, without any consideration of break of service either due to departmental or own reasons.

(b) Who were employed before 30-3-1985 but could not complete continuous service of 240 days before 30-3-1985. They however did so after 30-3-85 during any 12 calendar months.

Thus, eligibility conditions are only two:

- (i) The casual mazdoors should have been employed before 30-3-85 and
- (ii) He should have worked continuously for 240 days during any 12 calendar months.
- (iii) Now the period of the absence for the purpose of granting temporary status to the casual mazdoors can be condoned by the concerned T.D.E. without any limit provided he has worked for 240 days continuously during any 12 calendar months. This will be however be a onetime concession.

2. Casual Mazdoors employed after 30-3-85 in violation of DOT's orders.

In respect of those casual mazdoors who have been employed after 30-3-85 and who have worked continuously for 240 days during any 12 calendar months, status quo will be maintained. They will not be granted temporary status until DOT accords approval in this regard.

Admittedly, the workman was not working prior to 30-3-1985. So, he was not eligible to get temporary status under condition number one of the instructions contained in letter No. 7-6-1990. So far the second condition is concerned, it is found from record that the workman had been employed after 30-3-1985 and he had worked continuously for 240 days during 12 calendar months prior to 5-7-1988. The said second condition says that in case of completion of 240 days of continuous work in any 12 calendar months and not in any calendar year as claimed by the management, status quo was to be maintained and the casual mazdoor should be granted temporary status with approval of the DOT. So, the workman was entitled to get temporary status, only after the approval of the DOT. Admittedly there was no approval of the DOT till 5-7-1988, the date on which the workman left the job. The document, annexure -6, which is a letter issued by the Ministry of Telecommunication dated 25-6-1993 is in regard to grant of temporary status and regularization of casual labourers engaged after 30-3-1985. In the said letter, instruction was given to take action to extend temporary status to all the casual mazdoors who were engaged by the project circles for laying coaxial cables and by the electrification circle, for dismantling and erection of lines in Railway Electrification, during the period from 30-3-1985 to 22-6-1988 and who are still continuing for such work in the project/electrification circles where they were initially engaged and who are not absent for the last more than 365 days continuing from the date of issue of the letter. The workman was not in engagement when the said letter was issued. Hence, he was not entitled to get temporary status as per the instructions contained in the letter dated 25-6-1993 also. From the materials on record and the discussion made above, it is found that the workman is not entitled for inclusion of his name in the combined seniority list and also to get temporary status. Hence, it is ordered

ORDER

The action of the management of Telecommunication through its General Manager, Telecom and General Manager (Telecom), Railway Electrification Project, Nagpur in not incorporating the name of disputant workman i.e. Shri Kunwarlal Deshmukh r/o Tumdi Dol, PO Chillari, Multai, Distt. Baitul (MP) in the combined seniority list and not awarding the temporary status or not maintaining the status quo is proper, legal and justified. The workman is not entitled to any relief.

J. P. CHAND, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2838.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकारण नं. 1, धनबाद, के पंचाट (संदर्भ संख्या 38/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-40011/45/2007-आई आर (डी यू)]
जोहन तोपनो, अवर सचिव

New-Delhi, the 14th September, 2011

S.O. 2838.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Ltd. and their workmen, which was received by the Central Government on 14-9-2011.

[No. L-40011/45/2007-IR (DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE**DECREE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD**

In the matter of a reference U/s. 10(1)(d)(2A) of the
Industrial Disputes Act, 1947

Reference No. 38 of 2008

Parties : Employers in relation to the management of Bharat Sanchar Nigam Ltd.

AND

Their Workmen

Present : Shri H. M. SINGH, Presiding Officer

Appearances :

For the Employers : Shri M. I. Haque
Authorised Representative

For the workmen : Shri N. N. Choudhary,
Organising Secretary, INTUC

State : Bihar Industry : BSNL

Dated, the 30th August, 2011

AWARD

By order No. L-40011/45/07-IR-(DU) dated 2-6-2008 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of the Mazdoor Samaj for grant of temporary status to Shri Md. Javed Azam and 15 others, as per Annexure, by the management of Chief General Manager, BSNL, Patna/General Manager (Telecom), BSNL, Bhagalpur, is legal and justified ? If yes, to what relief the workmen are entitled ?"

Annexure

- | | |
|-------------------------------|----------------------------|
| 1. Shri Md. Jawed Azam | 2. Shri Md. Parwax |
| 3. Shri Bhola Kumar Choudhary | 4. Shri Md. Asad Raza |
| 5. Shri Md. Islam | 6. Shri Md. Mumtaz |
| 7. Shri Kailash Choudhary | 8. Shri Om Prakash Mishra |
| 9. Shri Nawal Kishore Gond | 10. Shri Jiyut Prasad Gond |
| 11. Shri Md. Basir Ahmed | 12. Shri Syed Amir Raza |
| 13. Shri Shashi Kumar | 14. Shri Md. Sahool |
| 15. Shri Syed Shahid Raza | 16. Shri Md. Rasid Raza |

2. The case of the concerned workmen is that the names of the concerned workmen were sponsored by the Employment Exchange on the requisition made by the Telecom Deptt., Bhagalpur. The concerned workmen were engaged as casual mazdoors at Telecom Deptt., Bhagalpur in the year 1984-85. The workmen shown in serial Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 16 have been engaged on 1-12-1984 and Sl. Nos. 13 and 15 have been engaged on 1-1-1985 respectively. They had been terminated on 31-12-1996 without legal notices and without payment of notice pay as required under I.D. Act, 1947 as such their termination is highly illegal in the eye of law. While they were in service during 1984 to 1996 they completed 240 days attendance in every calendar/financial year. The authorities of the telecom deptt. issued work certificates to the concerned workmen. They worked at Bhagalpur, Bctiah, Varanasi, Patna and Deoghar on payment of Rs. 35 to Rs. 50 per day as wages on 1st day of every month. They performed the duties of replacement of old telephone wires with new, digging earth and fixing new poles, replacing old and damaged poles with new, installing new telephone connections etc. while they were in regular engagement/service as casual mazdoors/daily rated mazdoors, the Government of India, Ministry of Telecom, New Delhi, introduced a scheme called as "Casual Labour (Grant of Temporary Status and Regularisation Scheme) 1989 vide DOT letter No. 269-10/1989-STW dated 7-11-1989, letter dated 17-12-1990, letter dated 17-12-1993, and letter dated 31-10-1992 which were/are applicable to the concerned

workmen. They fulfilled all terms and conditions required by the aforesaid scheme and they placed their demand before Telecom District Manager, Bhagalpur in March, 1996 to confer upon them the status of Temporary Mazdoors and regularise their services in Telecom Deptt., Bhagalpur in terms of aforesaid Schemes 1989 and 1993, but the management denied the same to the concerned workmen.

Under the above facts and circumstances, it has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the concerned workmen and further be pleased to declare the termination of the concerned workmen as illegal, mala fide, arbitrary and void and pass an order of reinstatement and regularisation of the concerned workmen in the service of BSNL Bhagalpur w.e.f. 7-11-1989 or 31-1-1996 with full back wages and other consequential benefits.

3. The case of the management of BSNL is that the concerned workmen had never been engaged by the Telecom Deptt. as casual labours in the year 1984-85 and hence the question of their termination does not arise. They have claimed that they have worked at Bhagalpur, Bettiah, Varanasi, Patna and Deoghar are not correct and if their claims are genuine they should produce the valid documents/even a labour card which entitled them to work from Bihar to U.P. as burden of proof lies upon the workmen to prove that they have worked more than 240 days in a year/in a calendar year continuously as decided by the Apex Court in so many cases. It has been submitted that Government of India/Ministry of Telecom, New Delhi introduced a Scheme called as "casual labour (Grant of Temporary status and Regularisation Scheme) 1989 and onwards for the benefit and welfare of only those casual labours who are actually working with valid documents, rather they are claiming themselves as casual labours on the basis of onus and fabricated work certificates. They had not raised any demand before the S.S.A. head for their regularisation but they are claiming that they had made their demand before the Telecom District Manager, Bhagalpur in March, 1996 while the post of Telecom District Manager was not existed in the year 1996. The statement of the concerned workmen in para 6 is false and concocted as the S.S.A. head had regularised the services of only those casual labours whose claims were covered under the existing D.O.T. circular without any discrimination or illegal favour. The concered workmen did not submit any demand before the competent authority i.e. before the S.S.A. head/C.G.M.T. Bihar Circle/DOT Govt. of India prior to filing the different O.A. before the CAT Bench Patna in the year 2000 and 2001 and after the receipt of the respective CAT's order the S.S.A. head Bhagalpur had constituted the high power screening committee under the Chairmanship of the D.E. (Admn.) of the S.S.A. and as per the direction of CAT Bench Patna, had fully verified the work certificates submitted by the concerned workmen and after verifying the office records, it was found that their claims were not

genuine and not covered under the DOT circulars 89 onwards, hence their claims were rejected and the reasoned speaking orders had been sent to the respective applicants under registered cover after the approval from the Circle Officer, Patna by the S.S.A. head. It has been submitted that Mazdoor Samaj Union is not a recognised Union, hence the secretary of this Union has no right to raise this industrial dispute. It has also been submitted that none of the concerned workmen had been ever engaged under the S.S.A. hence the question of completion of 240 days service in every year and illegal termination from service does not arise.

It has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the management holding that the concerned workmen are not entitled to any relief.

4. In rejoinder to the written statement of the management the workmen concerned have stated almost same things as have been stated in their written statement.

5. The management has produced MW-1, S.K. Mishra. The concerned workmen has produced WW-1, Md. Asad Raza and WW-2 Nawal Kishore Gon.

The concerned workmen have proved documents as Exts. W-1 to W-16.

6. Main argument advanced on behalf of the concerned workmen is that they have worked with the management from 1-12-1984 to 31-12-96 when they have been stopped from work. They have worked with the management in different places at Bettiah and also at other places with S.D.O. (Phone), Md. Salamat Ansari, who have also issued work certificate to them. Thus they have completed 240 days in each and every year from 1987 to 1993. Though the Telecom Deptt., Govt. of India directed all offices to grant temporary states to all the casual workers as per Ext. W-6, but the management denied the same to the concerned workmen. The management has given temporary status to their relatives and thereafter regularised their services illegally.

7. In this respect the management's representative argued that these concerned workmen have never worked with the management and they were placed the enquiry Committee and the said committee found that there is no appointment letters etc.

In this respect the management's witness, MW-1, has stated in cross-examination that all the certificates were issued by these two officers and the signatures of these officers are genuine. Ext. W-5 is also admitted by the management and he stated that this is the list showing the relationship of the workmen who have been appointed by the management out of 120, as per Ext. W-5. It shows that the management's witness identified the certificates which have been issued to the concerned workmen by the management are genuine which is Ext. W-13. When the certificates issued by the management which is admitted

by the management's witness, MW-1, there is no doubt that these certificates are false and forged which has been argued by the management's representative.

It has also been argued on behalf of the workmen that the above witness, Sri S.K. Mishra has stated in Reference No. 37/2008 falsely. He admitted that Ashok Kumar Sinha had no authority to issue work certificates to workmen who have been regularised on the basis of certificates issued by Sri Ashok Kumar Sinha, who is officer by the management. Ext. W-4 series, certificates issued by the management's officer are genuine because the signatures of above officers are admitted by the management's witness, MW-1 and he also admitted the list of 120 persons of Ext. W-5 who are relatives of the management's officers, who have been given temporary status. It only shows that the management does not want to give temporary status to the concerned workmen as per their own circular dated 7-11-1989. The concerned workmen have completed more than 240 days from 1984 to 1996 and they have filed their work certificates. Ext. W-13 series are also certificates issued by the management's officers. Moreover, the management argued that the enquiry was conducted regarding the concerned workmen for giving temporary status, but that enquiry report was not filed by the management.

8. On behalf of the management Civil Appeal No. 292 of 2009 arising out of SLP (C) No. 7803/2006 has been referred in which Hon'ble Supreme Court held —

"One aspect needs to be clarified. There may be cases where regular appointments (not illegal appoints) as explained in S.V. Narayanappa (1967 I SCR 128), R.N. Nanjundappa (1972 I SCC 409) and B.N. Nagarajan (1979 4 SCC 507) and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the Courts or of Tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this court in the cases above referred to and in the light of this judgement in that contest, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub judice, need not be

reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

Another law referred on behalf of the management VIII (2006) SLT 348 in which Hon'ble Supreme Court held burden of proof not on employer and delay in making reference after long period of 9 years. High Court clearly lost sight of fact that claim was highly belated. No finding recorded by Labour Court on this plea specifically raised.

Another law referred by the management is V (2006) SLT 585 in which Hon'ble Supreme Court held that appointment on daily wage basis and not on regular post and disengagement not arbitrary. Management also referred IV (2006) SLT 33 in which Hon'ble Supreme Court laid down that when the workman was appointed on daily wages on supervisory post at instance of M.L.A. and their services terminated :

Another law referred in 2006 (I) PLJR 26 in which Hon'ble Supreme Court laid down that the petitioner engaged on daily wages in exigencies of work by a Magistrate in charge who was not the authority to do so. Sometimes, in demand of exigency persons are engaged to work for sometime purely on temporary basis to meet the load of work, but that does not confer any right.

9. On behalf of the concerned workman 2001 (I) LLT 742 has been referred in which the Hon'ble Supreme Court laid down — "Industrial Disputes Act, 1947—Section 25-F Termination of service—When the employee had put in more than 240 days of service in each year for several years and there was termination of his service in violation of the procedure under Section 25-F of the Industrial Disputes Act, 1947. The employee would have to be reinstated on the same terms and conditions in which he was working."

Another law referred on behalf of the workmen is 2000 Lab.I.C. 1494 in which Hon'ble Allahabad High Court laid down — "Regularisation of services of daily rated employees — Held keeping an employee on daily wages for continuously 18 years was violative of Article 14. The management was directed to regularise the services of such daily rate employees. "

Another law referred on behalf of the workmen is 2002 Lab. I.C. 1568 in which Hon'ble Punjab & Haryana High Court laid down — "Industrial Disputes Act, 1947, Section 25-F—non-production of records : Held that the party in possession of the document should produce the same even though the burden of proof may not be on that party. Non-production of record may lead to adverse inference. High Court quashed the finding of the Labour Court that workman worked for 175 days become that was not based on the muster roll, the production of which was withheld by the management."

Another law referred on behalf of the workmen is 2008 AIR SCW 3996 in which Hon'ble Supreme Court laid down—

“Industrial Disputes Act, 1947 (14 of 1947), Sch. 2, Item 6- Regularisation of service—Contractual workers — Disentitlement from claiming regularisation—Non inflexible rule —workers appointed by ONGC initially through contractor—Claim for regularisation - Reference to Tribunal—Finding of fact by Tribunal that workmen were employees of ONGC and not contract employees—Being employees of ONGC workmen would be entitled to all benefits available in that capacity, and issue of regularisation would pale into insignificance.”

Another law referred on behalf of the workmen is 2008(3) JLJR 109 in which Hon'ble Jharkhand High Court laid down—“Labour and Industrial Laws — Regularisation workmen engaged by the petitioner company in its various Units since past twenty years—worked in various departments of petitioner company under direct control and supervision of officers of petitioner company—frequently transferred and posted in various departments—petitioner company cannot take advantage of dubious intermediaries like consumer co-operative stores on the plea of engaging contract labour—management adopted such practice only to avoid the liability of financial trappings as otherwise would be payable to the workmen if absorbed regularly—there existed a direct relationship of employer and employee—veil of contract employment cannot alter this fact—no reason to interfere with impugned award of Tribunal passed in favour of workmen. (2001) 7 SCC 1 : (2002) 4 SCC 609 : (1996) 10 SCC 599 : (2000) 7 SCC 449 : AIR 2003 SC 2658 : AIR 1997 SC 1788 : (2007) 8 SCC 279 : 1978 Lab. IC 1264 : 2001 Lab. I.C. 3656 : 2006 Lab. I.C. 1302 : AIR 2007 SC 2509 - Referred to. ”Also referred 1990 (II) LLJ 70 in which Hon'ble Supreme Court laid down—“Industrial Disputes Act, 1947—Section 2 (oo)—Retrenchment—Scope and connotation of the expression. Retrenchment - The expression ‘retrenchment’ means termination of the services of the workman for any reason whatsoever, other than those expressly excluded by the definition in Section 2 (oo) of the Act—The expression ‘retrenchment’ does not mean only termination by the employer of the service of surplus labour for any reason whatsoever — The expression ‘retrenchment’ is not to be understood in its narrow, natural and contractual meaning but is to be understood in its wider literal meaning to mean termination of service of workmen for any reason whatsoever.”

10. The evidence of the workmen shows that they have worked with the management and the management also issued circular in 1989 for giving temporary status to the workmen who have worked on casual basis and daily basis.

Considering the above facts, it shows that the concerned workmen are entitled to get temporary status as per management's Circular dated 7-11-1989.

11. Accordingly, I hold that the demand of the Mazdoor Samaz for grant of Temporary Status to Shri Md. Javed Azam and 15 others (as per Annexure mentioned in the order of reference) by the management of Chief General Manager, B.S.N.L., Patna/General Manager, Telecom, B.S.N.L., Bhagalpur is legal and justified. Hence, the concerned workmen are entitled to be reinstated in service from the date of their termination i.e. 31-12-1996 and they are entitled to get temporary status as per management's circular dated 7-11-1989. The management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2839.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (सदर्म संख्या 37/2008) को प्रकाशित करती है; जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-40012/14/2007 आई आर (डी यू)]

जोहन तोपनो, अवर सचिव

New Delhi, the 14th September, 2011

S.O. 2839.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2008) of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workmen, which was received by the Central Government on 14-9-2011

[No. I-40012/14/2007-JR(DU)]
JOHAN TOPNO, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/S 10(1)(d)(2A) of the
Industrial Disputes Act, 1947

Reference No. 37 of 2008

Parties : Employers in relation to the management of
Bharat Sanchar Nigam I.td., Bhagalpur

AND

Their Workmen

Present : SHRI H. M. SINGH, Presiding Officer

APPEARANCES:

For the Employers : Shri M. I. Haque

Authorised Representative

For the workmen : Shri N. N. Choudhary,

Organising Secretary, INTUC

State : Bihar

Industry : BSNL

Dated, the 30th August, 2011

AWARD

By Order No. L-40012/14/07-IR (DU) dated 2-6-2008 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Bharat Sanchar Nigam Limited, Bhagalpur, in terminating the services of their workmen S/Shri Md. Rizwan Ansari, Md. Afaque Ali Ahmed, Md. Istiaque Ali, Md. Zulfiqar Ali, Awdhesh Kumar and Meraj Ali in 1995-96 is legal and justified? If not to what relief the workmen are entitled to?"

The case of the concerned workmen is that they had been engaged as Daily rated Mazdoors/Casual Labourers in the department of Telecom Bhagalpur. On the requisition from the Telecom Department, Bhagalpur, the Employment Exchange, Bhagalpur referred the names of the concerned workmen and accordingly they were engaged on 1-12-1984, namely, Md. Rizwan Ansari, Md. Afaque Ali Ahmed, Md. Zulfiqar Ali, Md. Meraj Ali and on and from 1-11-1984 Istiaque Ali and Awdhesh Kumar were engaged in Telecom Deptt. by the District Telecom Manager, Bhagalpur. It has been submitted that Md. Meraj Ali was terminated on 1st April, 1996, Md. Istiaque Ali and Md. Zulfiqar Ali were terminated on 1st May, 1996, Md. Rizwan Ansari was terminated on 31-7-1996, Md. Afaque Ali Ahmed was terminated on 31-10-1996, and Awdhesh Kumar was terminated on 31-12-1996 from the service on verbal order without payment of notice pay as required under I.D. Act, 1947. In course of their engagement in between 1984 to 1996 the above named workmen performed their duties at Bhagalpur, Bettiah, Varanasi, Patna, Deoghar on payment of Rs. 35 to Rs. 50 per day as wages on the last day of every month. They were required to perform their duties of replacement of old telephone wires with new, digging earth and fixing new poles, installing new telephone connections, digging tunnel, for laying down cables, carrying bundles of cables, installing microwave Towers, cutting branches of trees touching the telephone wires, laying down F.C. Cables, repair of telephone connections, attending customer's complaints. During the course of their engagement between 1984 to 1996 each of them put continuous service in every calendar year and they became entitled to confirmation of temporary status

mazdoors and regularisation in permanent service of the Telecom Deptt. with all benefits as per rules.

While the above named workmen were in regular engagement, the Government of India, Ministry of Telecom, New Delhi, introduced a Scheme called "Casual Labourers (Grant of Temporary Status and Regularization Scheme) 1989 vide letter dated 7-11-1989, 17-12-1990, 17-12-93 and 21-10-1992 which were/are applicable to abovenamed workmen. The above named workmen fulfilled all conditions required by the aforesaid Scheme and they placed their demand before the District Telecom Manager, Bhagalpur in March, 1996 to confer upon them the status of Temporary Mazdoors and regularise their services in Telecom Deptt., Bhagalpur in terms of aforesaid Scheme 1989 and 1993 but it was denied in 1996. There are number of vacancies available at B.S.N.L., Bhagalpur to reinstate and regularise the concerned workmen.

It has been prayed that the Hon'ble Tribunal be pleased to answer the reference in favour of the concerned workmen and further be pleased to declare the termination of the concerned workmen as illegal, malafide, malicious, arbitrary and void and pass an effective order of reinstatement and regularisation of the concerned workman in the service of B.S.N.L. w.e.f. 7-11-89 or 31-3-96 with full back wages and other consequential benefits.

2. The case of the management of B.S.N.L. is that none of the concerned workmen had been ever engaged as daily rated mazdoors in BSNL., Bhagalpur and hence their claim has been denied. It has been submitted the concerned workmen were never engaged in the Telecom Deptt., Bhagalpur. It has also been submitted that as the concerned workmen were never engaged by the management, the question of their termination does not arise. The statements of claim are also denied as no such work had been performed by the concerned workmen as mentioned in para 4 of their written statement under Bhagalpur S.S.A and as regards working place shown as Bettiah, Patna and Varanasi was/is not under the control of even Bihar Telecom Circle. It is a fact that the Dep't. of Telecom Government of India had introduced the scheme called "Casual Labour (grant of Temporary Status and Regularisation Scheme) 1989 onwards but that scheme was only meant for the casual labourers who were working actually and their services had been regularised whose cases were covered under the conditions required under the DOT circulars and as regards these workmen their cases were not covered under the DOT Circulars. The allegations levelled against the T.D.M. Bhagalpur while the post of T.D.M. was not existed in 1996 hence the statements made in para 6 of their written statement are fully absurd and denied. As regards the statements made in para 8 of the claim are not fully accepted as these workmen have not made any such demand before the competent authority i.e. S.S.A head/C. G.M.T (Bihar Circle) D.O.T. Government of India prior to filing a case before the

CAT Bench Patna bearing OA No. 844/2000 and after the receipt of the CAT's order the T.D.M. Bhagalpur had constituted a high power screening committee for the verification of their work certificates submitted and after verification of official records it was found that none of applicants had been ever engaged in this S.S.A and the work certificates submitted by them issued in the signature of Sri Salamat Ansari without any payment particulars and inspite of several requests made by the screening committee the aforesaid S.D.O. did not come for any comments hence all these work certificates presumed to be false and fabricated. Another work certificates issued by the O.F.C. Project Division Bhagalpur and after investigations the Divisional Engineer O.F.C. Project, Bhagalpur had stated that they had not been engaged any time under O.F.C. Project Division and considering all these aspects the screening committee unanimously suggested the then T.D.M. Bhagalpur that their cases were not covered under the DOT circulars hence the T.D.M. rejected the representation. None of the concerned workmen had been engaged under the S.S.A., hence the question of completion of 240 days service in every year does not arise.

It has been prayed that this Hon'ble Tribunal be pleased to answer the reference in favour of the management holding that the concerned workmen are not entitled to any relief.

3. In rejoinder to the written statement of the management the workmen concerned have stated almost same things as have been stated in their written statement.

4. The management has produced MW-1, Shankar Kumar Mishra.

The concerned workmen produced WW-1, Md. Afaque Ali, who has proved documents, marked as Exts. W-1 to W-13. The concerned workmen also produced WW-2, Md. Zulfiqar Ali.

5. Main argument advanced on behalf of the concerned workmen is that they have worked with the management from 1-12-84 to 31-12-96 when they have been stopped from work, though the Telecom Deptt. Government of India directed all offices to grant temporary status to all casual workers as per Exts. W-1 to W-5. They have worked with the management in different places at Betiah, and also at other places with S.D.O. (Phone), Md. Salamat Ansari, who have also issued work certificate to them as per Ext. W-12. But the management has given temporary status to their relatives who never worked in the Telecom Deptt. Bhagalpur, as per Ext. W-10.

6. In this respect the management representative argued that these concerned workmen have never worked with them and they were placed before the enquiry committee and the enquiry committee found that there is no appointment letters.

In this respect the statement of management's witness is very much important. MW-1 has stated in his cross-examination that we have regularised 120 persons. 40 persons' documents are in our possession. These are work certificates of yearwise. On the bottom of it there is no signature of any officers. We have not given the papers regarding break period. In respect of Anil Kumar Roy, the officer who has taken work has not issued but it has been issued who has verified. Ashok Kumar Sinha is an Accounts Officer and he is not the field officer. A.K. Sinha has no authority to issue work certificate. It has been signed on 21-10-..... without any year. This is the proforma detailing the working days of Prasant Kumar Prasad. This bears the signature of Ashok Kumar Sinha on 25-5-2001. Date of engagement has been shown in 1984-85. T.S.M. was granted on 1-5-95. This does not bear the place of working and under whom. 10 years details have not been given. It has also been stated that I have not filed the specimen signature of those officers who have issued certificates, one of whom retired and other expired.

It shows that management's witness has not proved any document on behalf of the management. It only shows that the management has not come with clean hand. The management has not filed the work experienced certificate issued by their officers in respect of 120 persons.

7. On behalf of the management Civil Appeal No. 292 of 2009 arising out of SLP(C) No. 7803/2006 has been referred in which Hon'ble Supreme Court held-

"One aspect needs to be clarified. There may be cases where regular appointments (no illegal appoints) as explained in S.V. Narayappa (1967-I SCR 128), S.N. Nanjundappa (1972 I SCC 409) and B.N. Nagarajan (1979 4 SCC 507) and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this court in the cases abovereferred to and in the light of this judgement. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularise as a one-time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not sub-judice, need not be reopened based on this

judgement, but there should be no further bypassing of the constitutional requirement and regularising or making permanent, those not duly appointed as per the constitutional scheme."

Another law referred on behalf of the management VIII (2006) SLT 348 in which Hon'ble Supreme Court held burden of proof not on employer and delay in making reference after long period of 9 years. High Court clearly lost sight of fact that claim was highly belated. No finding recorded by Labour Court on this plea specifically raised.

Another law referred by the management is V (2006) SLT 585 in which Hon'ble Supreme Court held that appointment on daily wage basis and not on regular post and disengagement not arbitrary. Management also referred IV (2006) SLT-33 in which Hon'ble Supreme Court laid down that when the workman was appointed on daily wages on supervisory post at instance of MLA and their services terminated.

Another law referred in 2006 (i) PLJR 26 in which Hon'ble Supreme Court laid down that the petitioner engaged on daily wages in exigencies of work by a Magistrate in charge who was not the authority to do so-sometimes, in demand of exigency persons are engaged to work for some time purely on temporary basis to get the load of work, but that does not confer any right.

8. On behalf of the concerned workmen 2001(i) LLJ 742 has been referred in which the Hon'ble Supreme Court laid down - "Industrial Disputes Act, 1947- Section 25-F- Termination of service- when the employee had put in more than 240 days of service in each year for several years and there was termination of his service in violation of the procedure under Section 25-F of the Industrial Disputes Act, 1947. The employee would have to be reinstated on the same terms and conditions in which he was working."

Another law referred, on behalf of the workmen is 2000 Lab.I.C. 1494 in which Hon'ble Allahabad High Court laid down - "Regularisation of services of daily rated employee : Held keeping an employee on daily wages for continuously 18 years was violative of Article 14. The Management was directed to regularise the services of such daily rate employee." Another law referred on behalf of the workmen is 2002 Lab. I.C. 1568 in which Hon'ble Punjab and Haryana High Court laid down - "Industrial Disputes Act, 1947, Section 25F- Non-production of records : Held that the party in possession of the document should produce the same even though the burden of proof may not be on that party. Non-production of record may lead to adverse inference. High Court quashed the finding of the Labour Court that workman worked for 175 days became that was not based on the muster roll, the production of which was withheld by the management." Another law referred on behalf of the workmen is 2008 AIR SCW 3996 in which Hon'ble Supreme

Court laid down "Industrial Disputes Act (14 of 1947), Schedule 2, Item 6-regularisation of service- Contractual workers - Disentitlement from claiming regularisation - Non inflexible rule - workers appointed by ONGC initially through contractor - Claim for regularisation - Reference to Tribunal-Binding of fact by Tribunal that workmen were employees of ONGC and not contract employees Being employees of ONGC workmen would be entitled to all benefits available in that capacity, and issue of regularisation would pale into insignificance. Another law referred on behalf of the workmen is 2008 (3) JLJR 109 in which Hon'ble Jharkhand High Court laid down— "Labour and Industrial Laws—Regularisation— workmen engaged by the petitioner company in its various Units since past twenty years - worked in various departments of petitioner company under direct control and supervision of officers of petitioner company— frequently transferred and posted in various departments— petitioner company cannot take advantage of dubious intermediaries like consumer co-operative stores on the plea of engaging contract labour - management adopted such practice only to avoid the liability of financial trappings as otherwise would be payable to the workmen if absorbed regularly—there existed a direct relationship of employer and employee - veil of contract employment cannot alter this fact—no reason to interfere with impugned award of Tribunal passed in favour of workmen. (2001) 7 SCC 1 : (2002) 4 SCC 609 : (1996) 10 SCC 599: (2000) 7 SCC 449 : AIR 2003 SC 2658 : AIR 1997 SC 1788 : (2007) 8 SCC 279; 1978 Lab. IC 1264 : 2001 Lab. I.C. 3656; 2001 Lab. I.C. 1302 : AIR 2007 SC 2509 —Referred to." Also referred 1990 (II) I.LJ 70 in which Hon'ble Supreme Court laid down "Industrial Disputes Act, 1947—Section 2 (oo)—Retrenchment—Scope and connotation of the expression. Retrenchment—The expression 'retrenchment' means termination of the services of the workmen for any reason whatsoever, other than those expressly excluded by the definition in Section 2 (oo) of the Act—The expression 'retrenchment' does not mean only termination by the employer of the service of surplus labour for any reason whatsoever—The expression 'retrenchment' is not to be understood in its narrow, natural and contractual meaning but is to be understood in its wider literal meaning to mean termination of service of workmen for any reason whatsoever."

9. The concerned workmen's evidence shows that they have worked with the management and the management also issued circular in 1989 for giving temporary status to the workmen who have worked on casual basis and daily basis , as per Exts. W-1 and W-1/1, W-2, W-3, W-4. These documents have been, admittedly, filed by the management, but they argued that the concerned workmen do not fulfil the conditions laid down to it. The evidence produced by the concerned workmen is that they have fulfilled the conditions issued by the Telecom Deptt. As per them 120 persons of their relatives

of the management, on forged and fictitious work certificates have been granted Temporary Status.

Considering the above facts, it shows that the concerned workmen are entitled to get temporary status as per management's Circular dated 7-11-1989.

10. Accordingly, I hold that the action of the management of Bharat Sanchar Nigam Ltd., Bhagalpur in terminating the services of their workmen S/Shri Md. Rizwan Ansari, Md. Afaque Ali Ahmed, Md. Istiaque Ali, Md. Zulfiqar Ali, Awdhesh Kumar and Meraj Ali in 1995-96 is not legal and justified. Hence, they are entitled to be reinstated in service w.e.f. their respective dates of termination and also they are entitled to get temporary status as per management's circular dated 7-11-1989. The management is directed to implement the award within 30 days from the date of publication of the award.

H. M. SINGH, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2011

का.आ. 2840.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कलकत्ता के पंचाट (संदर्भ संख्या 27/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-9-2011 को प्राप्त हुआ था।

[सं. एल-12012/3/2006-आई आर (बी-I)]

रमेश सिंह, डेस्क अधिकारी

New Delhi, the 14th September, 2011

S.O. 2840.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of State Bank of India, and their workman, received by the Central Government on 14-9-2011

[No. L-12012/3/2006-IR (B-I)]
RAMESH SINGH, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 27 of 2006

Parties : Employers in relation to the management of State Bank of India, Zonal Office

AND

Their Workmen

APPEARANCES:

On behalf of the Management : Mr. Promod Kumar Mishra, Ld. Advocate

On behalf of the Workmen : Mr. Partha Mukherjee, Ld. Advocate

State : West Bengal

Industry : Banking

Dated, the 6th September, 2011

AWARD

By Order No.L-12012/3/2006-IR(B-1) dated 7-9-2006 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of State Bank of India, Zonal Office, Siliguri by transferring Shri Jagabandhu Barman, Sr. Assistant & also Secretary of North Bengal Committee of the Association from SBI, Coochbehar Bazar Branch to Khapaidanga, Kaljani Branch is justified? If not, what relief the concerned workman is entitled to?"

2. When the case is called out today, Mr. Partha Mukherjee, Ld. Advocate for the Workmen Union is present but none is present on behalf of the management Bank.

3. One application has been filed today on behalf of the Workmen Union duly signed and verified by the authorized representative of the Bank Employees Unity Forum, West Bengal and said signatory, Mr. Bankim Chandra Bera, is also personally present in the Tribunal. Mr. Bera also signed in the written statement of claim on behalf of the workman/Workmen Union, as authorized representative. It is submitted that during pendency of this reference, the workman concerned has been elevated to a higher post and naturally he went outside the scope of being a 'workman' and since the dispute raised in this reference is in relation to some order of transfer of the workman concerned over which he became aggrieved and raised the dispute.

4. It is further submitted that the workman concerned does not want to pursue the said claim any more in the present situation and naturally the workman concerned as well as the Workmen union does not want to proceed with the present reference any more. Unfortunately none is present on behalf of the management Bank.

However, since the Workmen Union as well as the workman concerned does not want to proceed with the present reference, it may be disposed of for non-prosecution and an Award to that effect is passed accordingly.

JUSTICE MANIK MOHAN SARKAR, Presiding Officer
Dated Kolkata,
the 6th September, 2011

नई दिल्ली, 20 सितम्बर, 2011

का.आ. 2841.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 नवम्बर, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध हिमाचल प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

(1) जिला सोलन के समीकर्ती क्षेत्र (हदबस्त सं., कर्मचारियों की सं. तहसील आदि सहित)

क्रम सं.	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1.	निहलगढ़	96	पौटा साहिब	सिरमौर
2.	बेहरावाला	99	पौटा साहिब	सिरमौर
3.	नवादा	108	पौटा साहिब	सिरमौर
4.	बरोटीघाला	109	पौटा साहिब	सिरमौर
5.	कुंजा	111	पौटा साहिब	सिरमौर
6.	जगतपुर मिश्रवाला	115	पौटा साहिब	सिरमौर
7.	शमशेरपुर	117	पौटा साहिब	सिरमौर
8.	जमुनीवाला जंबुखाला	121	पौटा साहिब	सिरमौर
9.	नयाकोट	122	पौटा साहिब	सिरमौर
10.	किशनपुरा	128	पौटा साहिब	सिरमौर
11.	बेहराल	131	पौटा साहिब	सिरमौर
12.	संतोषगढ़	135	पौटा साहिब	सिरमौर
13.	अमरगढ़	136	पौटा साहिब	सिरमौर
14.	मेलियन	148	पौटा साहिब	सिरमौर
15.	टोकियों	152	पौटा साहिब	सिरमौर
16.	रामपुर बंजारण	154	पौटा साहिब	सिरमौर
17.	सैनवाला अंबवाला	120	नाहन	सिरमौर
18.	मीरपुर गुरुद्वारा	136	नाहन	सिरमौर
19.	मीरपुर कोटला	133	नाहन	सिरमौर
20.	त्रिलोकपुर	124	नाहन	सिरमौर

[सं. एस-38013/63/2011। एस.एस. 1]

नरेश जायसवाल, अवार सचिव

New Delhi, the 20th September, 2011

S.O. 2841.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2011, as the date on which the provisions of Chapter IV (except Sections 44

and 45 which have already been brought into force) and Chapter- V and VI (except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Himachal Pradesh namely:

Sl. No.	Name of Revenue	Hud. Bazar Number	Name of Tehsil	Name of District
1.	Nihalgarh	96	Paonta Sahib	Sirmour
2.	Behrawala	99	Paonta Sahib	Sirmour
3.	Newada	108	Paonta Sahib	Sirmour
4.	Barotiwala	109	Paonta Sahib	Sirmour
5.	Kunja	111	Paonta Sahib	Sirmour
6.	Jagatpur Mishrawala	115	Paonta Sahib	Sirmour
7.	Shamsherpur	117	Paonta Sahib	Sirmour
8.	Jamuniwala-Jambukhalia	121	Paonta Sahib	Sirmour
9.	Nayakot	122	Paonta Sahib	Sirmour
10.	Kishanpura	129	Paonta Sahib	Sirmour
11.	Behral	131	Paonta Sahib	Sirmour
12.	Santoshgarh	135	Paonta Sahib	Sirmour
13.	Amargarh	136	Paonta Sahib	Sirmour
14.	Melion	148	Paonta Sahib	Sirmour
15.	Tokiyon	152	Paonta Sahib	Sirmour
16.	Rampur Banjaran	154	Paonta Sahib	Sirmour
17.	Sainwala-Ambwala	120	Nahan	Sirmour
18.	Meerpur Gurudwara	136	Nahan	Sirmour
19.	Meerpur Kotla	133	Nahan	Sirmour
20.	Trilokpur	124	Nahan	Sirmour

[No. S-38013/63/2011-S.S.I.]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 20 सितम्बर, 2011

का.आ. 2842.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 नवम्बर, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबंध हिमाचल प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

(1) जिला सोलन के समीकर्ती क्षेत्र (हदबस्त सं., कर्मचारियों की सं. तहसील आदि सहित)

क्रम सं.	राजस्व ग्राम का नाम	हदबस्त संख्या	तहसील	जिला
1.	गुलरवाला	194	बद्दी	सोलन
2.	कोंडी	180	बद्दी	सोलन
3.	कुररावाला	188	बद्दी	सोलन
4.	बगुवाला	190	बद्दी	सोलन
5.	कालुझण्डा	186	बद्दी	सोलन
6.	चनाल माजरा	177	बद्दी	सोलन
7.	खोल	186	बद्दी	सोलन
8.	गुरुमाजरा	182	बद्दी	सोलन
9.	डबनी	179	बद्दी	सोलन
10.	मखनुमाजरा	190	बद्दी	सोलन
11.	रखराम सिंह	141	नालागढ़	सोलन
12.	बेलीदेवर	153	नालागढ़	सोलन
13.	नलका	158	नालागढ़	सोलन
14.	मानकपुर	176	नालागढ़	सोलन
15.	ब्रह्मण माजरा	84	नालागढ़	सोलन
16.	भोगपुर	73	नालागढ़	सोलन
17.	प्लासरा निहाला	79	नालागढ़	सोलन
18.	सौरी	132	नालागढ़	सोलन
19.	धेला	178	नालागढ़	सोलन
20.	लोधीमाजरा	173	नालागढ़	सोलन
21.	भट्टावाला	129	नालागढ़	सोलन
22.	हाँडाकुंडी	156	नालागढ़	सोलन
23.	खदीन	947	कसौली	सोलन
24.	शामती	616	सोलन	सोलन
25.	मोहलु	609	सोलन	सोलन
26.	गरोग	608	सोलन	सोलन
27.	शामलायच	643	सोलन	सोलन
28.	अंजी	645	सोलन	सोलन
29.	खोंड	644	सोलन	सोलन

[सं. एस-38013/62/2011-एस.एस. 1]

नरेश जायसवाल, अवर सचिव

New Delhi, the 20th September, 2011

S.O. 2842.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2011, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force

in the following areas in the State of Himachal Pradesh
namely :—

Sr. No.	Name of Revenue Village	Had Bast Number	Name of Tehsil	Name of District
1.	Gularwalla	194	Baddi	Solan
2.	Kondi	180	Baddi	Solan
3.	Kurrawala	188	Baddi	Solan
4.	Bagguwala	190	Baddi	Solan
5.	Kalujhanda	186	Baddi	Solan
6.	Chanal Majra	177	Baddi	Solan
7.	Khol	186	Baddi	Solan
8.	Gurumajra	182	Baddi	Solan
9.	Dabni	179	Baddi	Solan
10.	Makhnumajra	190	Baddi	Solan
11.	Rakhram Singh	141	Nalagarh	Solan
12.	Belideor	153	Nalagarh	Solan
13.	Nalka	158	Nalagarh	Solan
14.	Manakpur	176	Nalagarh	Solan
15.	Brahmanmajra	84	Nalagarh	Solan
16.	Bhogpur	73	Nalagarh	Solan
17.	Plasra Nihla	79	Nalagarh	Solan
18.	Souri	132	Nalagarh	Solan
19.	Dhela	178	Nalagarh	Solan
20.	Lodhimajra	173	Nalagarh	Solan
21.	Battanwala	129	Nalagarh	Solan
22.	Handakundi	156	Nalagarh	Solan
23.	Khadeen	947	Kasauli	Solan
24.	Shamti	616	Solan	Solan
25.	Mohlu	609	Solan	Solan
26.	Garog	608	Solan	Solan
27.	Shamlaih	643	Solan	Solan
28.	Anji	645	Solan	Solan
29.	Khond	644	Solan	Solan

[No. S-38013/62/2011-S.S.I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 27 सितम्बर, 2011

का.आ. 2843.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 नवम्बर, 2011 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा (1) और धारा-77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के

उपर्युक्त कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :

क्रम सं.	राजस्व ग्राम का नाम	होबली	तालुक	जिला
1.	सागर नगर पालिका सीमाएं	सागर	सागर	शिमोगा

[सं.-एस-38013/64/2011-एस.एस. I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 27th September, 2011

S.O. 2843.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2011, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter- V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely:—

Sr. No.	Name of the Revenue area	Hobli	Taluk	District
1	Municipal Limits, Sagar	Sagar	Sagar	Shimoga

[No. S-38013/64/2011-S.S. I]

NARESH JAISWAL, Under Secy.

नई दिल्ली, 27 सितम्बर, 2011

का.आ. 2844.—जबकि मैसर्स हमदर्द दवाखाना (वक्फ) लेबोरेट्रीज [कोड संख्या डीएल/100, बांद्रा क्षेत्र के अंतर्गत] (एटदुपरान्त प्रतिष्ठान के रूप में संदर्भित) ने कर्मचारी भविष्य निधि एवं प्रकारण उपर्युक्त अधिनियम, 1952 (1952 का 19) (एटदुपरान्त अधिनियम के रूप में संदर्भित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत भारत सरकार द्वारा प्रदान की गयी छूट को रद्द करने के लिए आवेदन किया है।

2. जबकि उक्त अधिनियम की धारा 17 (1) (क) के अंतर्गत उक्त प्रतिष्ठान को दिनांक 1 अक्टूबर, 1956 से छूट प्रदान करायी हुए भारत के राजपत्र में अधिसूचना संख्या 9/5/61/पीएफ II दिनांक 20 जुलाई, 1961 को प्रकाशित की गयी थी।

3. और जबकि अब सरकार के ध्यान में यह आया है कि उक्त प्रतिष्ठान ने दिनांक 30-6-2011 से अपनी छूट अभ्यर्पित कर दी है और अब यह कोई कार्यकलाप नहीं कर रहा है।

4. अतः अब, केन्द्र सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एटदुप्रान्त उक्त प्रतिष्ठान को दी गई छूट को दिनांक 30-6-2011 से रद करती है।

[सं. एस-35017/7/2011-एस.एस. II]

सुभाष कुमार, अवर सचिव

New Delhi, the 27th September, 2011

S.O. 2844.—Whereas M/s Hamdard Dawakhana (Wakf) Laboratories [under Code No. DL/100, Bandra Region] (hereinafter referred to as the establishment) has applied for cancellation of exemption granted by Government of India under clause (a) of sub-section (1) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952,(19 of 1952) (hereinafter referred to as the Act).

2. Whereas a notification No. 9/5/61/PF. II dated 20th July, 1961 granting exemption w.e.f. 1st October, 1956 under Section 17(1)(a) of the said Act to the said establishment was published in the Gazette of India.

3. And whereas now it has come to the notice to the Government that the establishment has surrendered its exemption with effect from the 30-6-2011 and it is no longer carrying on any activity.

4. Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 17 of the said Act, the Central Government hereby cancels the exemption granted to the said establishment with effect from the 30-6-2011.

[No. S-35017/7/2011-SS-II]

SUBHASH KUMAR, Under Secy.

नई दिल्ली, 28 सितम्बर, 2011

का.आ. 2845.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एटदुप्रान्त 1 नवम्बर, 2011 को उस तरीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय-5 और 6 [धारा-76 की उप-धारा-(1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपर्युक्त कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

क्रम सं.	राजस्व ग्राम का नाम	होबली	तालुक	जिला
1	पट्टनागेरे	केंगेरी	बैंगलूर साउथ	बैंगलूर

[सं. एस-38013/65/2011-एस.एस. I]

नरेश जायसवाल, अवर सचिव

New Delhi, the 28th September, 2011

S.O. 2845.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st November, 2011, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-Section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Karnataka namely :—

Sr. No.	Name of the Revenue Village	Hobli	Taluk	District
1	Pattanagere	Kengeri	Banglore South	Banglore

[No. S-38013/65/2011-S.S.II]

NARESH JAISWAL, Under Secy.